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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law* **

Summary

The Human Rights Council requested the United Nations High Commissioner for Human Rights to submit to it a report on the compendium of principles, good practices and policies on safe, orderly and regular migration in accordance with international human rights law. The report makes particular reference to the six thematic areas that have guided consultations in the preparatory process for the development of a global compact on migration. It provides a non-exhaustive compilation of legal standards and other authoritative guidance, such as general comments and the reports of special procedures, joint commitments made by States through declarations and other agreements, as well as guidelines and tools produced by United Nations entities and other international organizations. It is accompanied by an inventory of promising practices drawn from all regions.

* The annex to the present report is being circulated as received.

** The present report was submitted after the deadline owing to the fact that Human Rights Council resolution 35/17, the basis for the mandate for the report, was adopted after the deadline for the submission of reports to be considered by the Council at its thirty-sixth session.

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The report concludes with the High Commissioner's recommendation that the global compact must above all be migrant-centred, human rights-based and gender-responsive. That would facilitate safe, orderly and regular migration, ensure social inclusion, and guarantee alignment with the overarching aims of the 2030 Agenda for Sustainable Development to leave no one behind and to reach those furthest behind first. The international human rights framework represents the normative foundation upon which the global compact for safe, orderly and regular migration should be built. Further, to remain true to the promise of the New York Declaration for Refugees and Migrants, the global compact should strive above all to foster a human rights-based approach to migration, premised on the principles of universality, indivisibility, participation, equality and accountability.

I. Introduction

1. In paragraph 18 (c) of its resolution 35/17 on protection of the human rights of migrants: the global compact for safe, orderly and regular migration, which was adopted on 22 June 2017, the Human Rights Council requested the United Nations High Commissioner for Human Rights to submit to the Council before its thirty-sixth session a report on the compendium of principles, good practices and policies on safe, orderly and regular migration in accordance with international human rights law, in consultation with States and other relevant stakeholders, including regional organizations, civil society organizations and national human rights institutions, and to transmit the report to the General Assembly at its seventy-second session.

2. Accordingly, on 29 June 2017, the Office of the United Nations High Commissioner for Human Rights (OHCHR) addressed a note verbale to Member States and intergovernmental and non-governmental organizations seeking their views and information. Particular reference was made to the six thematic areas defined within the preparatory process for the global compact on safe, orderly and regular migration. Written submissions were received from States, intergovernmental organizations, non-governmental organizations and individual experts.[1]

3. The present report aims to provide a compendium[2] of legal standards and other authoritative guidance, such as general comments and reports of the United Nations human rights treaty bodies and special procedure mandate holders,[3] as well as guidelines and tools produced by United Nations entities and other organizations with relevant mandates, which are in line with international human rights law and are germane to the issue of safe, orderly and regular migration. Given the limitations of space and the breadth of the subject, however, the compendium of principles provided below is necessarily non-exhaustive. Moreover, while the principles are divided between six thematic areas for ease of reference, many of them will be relevant to more than one thematic area. The layout should therefore be taken as a guide rather than an authoritative classification. An inventory of promising practices, which is similarly non-exhaustive, is provided in an annex to the present report.

[1] Written submissions were received from Argentina, Australia, Canada, Chile, the European Union, Germany, Greece, Kyrgyzstan, Mali, Mexico, New Zealand, Republic of Macedonia, Slovenia, Sri Lanka, Sweden, Switzerland, Turkey and the United States of America. All submissions can be accessed at: http://www.ohchr.org/EN/Issues/Migration/Pages/CompendiumOfPrinciples.aspx

[2] A compendium is commonly recognized as a collection of concise but detailed information about a particular subject or a brief summary of a field of knowledge (see www.merriam-webster.com/dictionary/compendium).

[3] The guidance of treaty bodies and special procedures has authority on several grounds. It is legally binding to the extent that it is based on binding international human rights law. In addition, the treaty bodies were formally mandated and created under the provisions of the treaty they monitor, while the mandates of the special procedures are created and defined by States through the Human Rights Council. Both groups of experts benefit from their close collaboration with States in the system. Moreover, the recommendations of the treaty bodies and special procedure mandate holders acquire authority when international and regional judicial institutions invoke them.

with examples drawn from the practice and policies of States, local authorities, non-governmental organizations and other relevant stakeholders.[4]

II. Background

4. All migrants have all human rights. In the New York Declaration for Refugees and Migrants, Member States unequivocally reaffirmed and committed to fully protect the human rights of all migrants, regardless of status, reiterating that all are rights holders (para. 5).

5. As evidence around the world demonstrates, migration can be a positive and empowering experience for many migrants and can generate economic, social and cultural benefits for migrants and their communities, as well as countries of origin, transit and destination. However, it is also clear that migrants can find themselves in severe human rights protection gaps along migratory routes and in countries of transit and destination, not least due to a lack of human rights-based systems of migration governance at the local, national, regional and global levels.

6. By becoming parties to international human rights treaties, States assume obligations under international law and undertake to establish domestic measures and legislation reflecting those obligations.[5] As a result, there may also be practical consequences for municipal authorities and local governments. States are also responsible for the human rights consequences of actions, or failures to act, by private actors, including corporations, members of civil society and private security contractors. The international human rights framework is clear that, to give effect to those rights and to uphold the fundamental principle of non-discrimination, duty bearers must consider the unique and individual circumstances of each person.[6]

7. The nine core international human rights instruments listed below provide legal protection to everyone, including all migrants, regardless of their status. Accordingly, the core instruments are relevant to all areas of migration and to all aspects of safe, orderly and regular migration.

(a) International Convention on the Elimination of All Forms of Racial Discrimination (1965)

(b) International Covenant on Civil and Political Rights (1966)

(c) International Covenant on Economic, Social and Cultural Rights (1966)

(d) Convention on the Elimination of All Forms of Discrimination against Women (1979)

(e) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)

(f) Convention on the Rights of the Child (1989)

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[4] Contributions to the present report, made by professors Elspeth Guild, Kees Groenendijk and Stefanie Grant, have highlighted the importance of ensuring that "good practices" must be founded on stable legal grounds that are compatible with international human rights law and must fulfil the requirement of meeting or exceeding the existing international human rights obligations of States.

[5] States assume obligations and duties under international law to respect, protect and fulfil human rights. The obligation to respect means that States must not interfere with or curtail the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses committed by third parties. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of human rights.

[6] Article 2 of the International Covenant on Civil and Political Rights makes it clear that, with respect to all rights recognized in the Covenant, the duty bearer is usually the State under whose jurisdiction a person is located. It obliges States to respect the rights recognized in the Covenant and ensure they are enjoyed by all individuals within its territory and subject to its jurisdiction, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(g) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)

(h) International Convention for the Protection of All Persons from Enforced Disappearance (2006)

(i) Convention on the Rights of Persons with Disabilities (2006).

A. Promotion and protection of the human rights of all migrants, addressing all forms of discrimination and ensuring social cohesion

8. Many migrants, particularly those who are in an irregular situation, tend to live and work in the shadows, afraid to complain, denied rights and freedoms that most people take for granted, and disproportionately vulnerable to discrimination and marginalization. Under international law, irregular entry and stay are administrative matters rather than criminal offences and should be sanctioned accordingly; per se, they are not crimes against persons, property or national security.[7] Without prejudice to the sovereign prerogative to order their removal, the very presence of such migrants under their jurisdiction imposes certain obligations on national authorities, including the primary obligation to acknowledge their presence and the fact that they can claim rights.[8]

9. Member States have pledged to combat with all the means at their disposal the abuses and exploitation suffered by countless migrants in vulnerable situations (New York Declaration for Refugees and Migrants, para. 10). The concept of a "migrant in a vulnerable situation" may be understood as embracing a range of factors that often intersect, can coexist simultaneously and can influence and exacerbate each other. Situations of vulnerability may change over time as circumstances change or evolve. The Human Rights Council has expressed serious concern about the particular vulnerable situations and risks faced by migrants, which can arise from the reasons for leaving their country of origin, circumstances encountered by migrants en route, at borders and at destination, specific aspects of a person's identity or circumstance or a combination of those factors.[9]

10. An important first step towards ensuring that migration policies are grounded in human rights norms and standards, and therefore aim to ensure protection of all people on the move, is to ratify and implement effectively all international and regional human rights instruments and related conventions, and to reaffirm in policy and in practice the fundamental importance of respecting, protecting and fulfilling the human rights of all migrants.

11. The legal framework of international human rights law and related standards provides authoritative benchmarks for the development of meaningful and practical commitments for action. International law represents the foundation upon which policies and practices on migration and migrants should be built, providing practical guidance to States, and equipping them, and other stakeholders as necessary, with the tools that are needed to govern migration in a manner that upholds the rights of all involved.

12. The Universal Declaration of Human Rights (1948) provides unequivocally that "all human beings are born free and equal in dignity and rights" (art. 1). The International Bill of Human Rights, which consists of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, makes distinctions between nationals and non-nationals in respect of only two rights, and only then in limited circumstances.[10]

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[7] See Committee on Migrant Workers, general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families, para. 24, and A/HRC/20/24, para. 13.

[8] See E/C.12/2017/1, para. 11.

[9] See Human Rights Council resolution 35/17.

[10] Article 25 of the International Covenant on Civil and Political Rights reserves to citizens the right to vote and take part in public affairs, and article 12 reserves the right to freedom of movement within a country to foreigners who are lawfully present within the country. However, in its general comment

Compendium of principles[11]

Optional Protocol to the International Covenant on Civil and Political Rights (1966)

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (1989)

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2002)

Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006)

Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (2008)

Optional Protocol to the Convention on the Rights of the Child on a communications procedure (2014)

Human Rights Committee, general comment No. 15 (1986) on the position of aliens under the Covenant

Human Rights Committee, general comment No. 18 (1989) on non-discrimination

Committee on the Elimination of Racial Discrimination, general recommendation No. 30 (2004) on discrimination against non-citizens

Committee on the Elimination of Racial Discrimination, general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention

Committee on the Elimination of Racial Discrimination, general recommendation No. 35 (2013) on combating racist hate speech

Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights

Committee on Economic, Social and Cultural Rights, statement on the duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights (E/C.12/2017/1)

Committee on the Rights of the Child, report of the 2012 day of general discussion on the rights of all children in the context of international migration (2012)[12]

No. 15 (1986) on the position of aliens under the Covenant, the Human Rights Committee noted that a foreigner may enjoy the protection of article 12 of the Covenant, even in relation to entry or residence, for example, when considerations of non-discrimination, prohibition of inhuman treatment and respect for family life arise (para. 5).

[11] Note, in addition, that all nine core international human rights instruments are relevant.

[12] See www.ohchr.org/Documents/HRBodies/CRC/Discussions/2012/DGD2012ReportAndRecommendations.pdf.

Compendium of principles[11]

Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which they Live (1985)

Programme of Action of the International Conference on Population and Development (1994)

Platform for Action of the Fourth World Conference on Women (1995)

Durban Declaration and Programme of Action (2001)

Outcome document of the Durban Review Conference (2009)

Transforming our world: the 2030 Agenda for Sustainable Development (2015)

New York Declaration for Refugees and Migrants (2016)

Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005)

Office of the United Nations High Commissioner for Refugees (UNHCR), Guidelines on Determining the Best Interests of the Child (2008)

Global Migration Group, Exploitation and abuse of international migrants, particularly those in an irregular situation: a human rights approach (2013)

OHCHR, The Economic, Social and Cultural Rights of Migrants in an Irregular Situation (2014)

Report of the Secretary-General: In safety and dignity: addressing large movements of refugees and migrants (A/70/59) (2017)

Report of the Special Rapporteur on the human rights of migrants on developing the global compact for safe, orderly and regular migration (A/71/285) (2016)

Report of the United Nations High Commissioner for Human Rights on the promotion and protection of the human rights of migrants in the context of large movements (A/HRC/33/67) (2016)

Report of the Special Rapporteur on the human rights of migrants on a 2035 agenda for facilitating human mobility (A/HRC/35/25) (2017)

Report of the Special Representative of the Secretary General on Migration (A/71/728) (2017)

Report of the United Nations High Commissioner for Human Rights on principles and practical guidance on the protection of the human rights of migrants in vulnerable situations (A/HRC/34/31) (2017)

United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), "Recommendations for addressing women's human rights in the global compact for safe, orderly and regular migration" (2017)

Human Rights Council resolution 9/5 on the human rights of migrants (2008)

Human Rights Council resolution 15/16 on the human rights of migrants (2010)

Human Rights Council resolution 18/21 on the human rights of migrants (2011)

Human Rights Council resolution 20/3 on the human rights of migrants (2012)

Human Rights Council resolution 23/20 on the human rights of migrants (2013)

Human Rights Council resolution 32/14 on the protection of the human rights of migrants: strengthening the promotion and protection of the human rights of migrants, including in large movements (2016)

B. Addressing the drivers of migration

13. In paragraph 1 of the New York Declaration for Refugees and Migrants, the General Assembly recognized that the drivers of contemporary migration are multiple and often intertwined. While many migrants move voluntarily and safely to seek better opportunities and are able to move, live and work in safety and dignity, many others are forced to move. In addition to persecution and conflict, the reasons that migrants could be compelled to leave their country of origin include poverty, lack of access to fundamental human rights such as education, health, food, water and decent work, violence, gender inequality, separation from family and the wide-ranging consequences of natural disaster, climate change and environmental degradation.[13]

14. It is important to recall that poverty is not solely an economic issue, but rather a multidimensional phenomenon that encompasses a lack of income as well as the basic capabilities to live in dignity coupled with social exclusion, which compromises chances of exercising or regaining rights in the foreseeable future.[14] Underlying structures of discrimination, exclusion and inequality, in addition to issues such as the prevalence of violence in society, play an important role in driving migration, particularly unsafe and precarious migration.

15. Migration can also be linked to sudden-onset disasters, such as floods and hurricanes, and to incremental slow-onset events, such as sea level rise, land and forest degradation, loss of biodiversity, and desertification,[15] which are themselves often related to poverty, discrimination and weak governance. Particular attention must be paid to the drivers of migration in the context of individuals and groups who are subject to intersecting and persistent patterns of discrimination.

16. In paragraph 43 of the New York Declaration for Refugees and Migrants, Member States affirmed that migration should be a choice, not a necessity. Migrants who move out of necessity rather than free choice are at greater risk of additional human rights violations throughout their journey and at their destination. They are less likely to be able to access alternative options when their migration does not go to plan, and they are therefore more likely to move in conditions that do not respect the dignity of the human being.

Compendium of principles[16]
United Nations Framework Convention on Climate Change (1992)
Committee on Economic, Social and Cultural Rights, statement on substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights: poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10)

[13] In its resolution 35/17, the Human Rights Council bore in mind that policies and initiatives on the issue of migration should promote holistic approaches that take into account the causes and consequences of the phenomenon, and acknowledged that poverty, underdevelopment, lack of opportunities, poor governance and environmental factors, human rights violations and abuses, and armed conflict, terrorism, absence of peace and security, conflict prevention and resolution are among the drivers of migration.

[14] See A/HRC/5/3, para. 6. The Committee on Economic, Social and Cultural Rights has defined poverty as "a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights" (see E/C.12/2001/10, para. 8). See also the guiding principles on extreme poverty and human rights.

[15] For a definition of "slow onset events", see FCCC/TP/2012/7.

[16] Note, in addition, that all nine core international human rights instruments are relevant.

Compendium of principles[16]
Committee on the Elimination of Discrimination against Women, general recommendation No. 32 (2014) on gender-related dimensions of refugee status, asylum, nationality and statelessness of women
Committee on the Rights of Persons with Disabilities, general comment No. 3 (2016) on women and girls with disabilities
Universal Declaration on the Eradication of Hunger and Malnutrition (1974)
Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development (1995)
Rome Declaration on World Food Security (1996)
United Nations Declaration on the Rights of Indigenous Peoples (2007)
Sendai Framework for Disaster Risk Reduction 2015-2030 (2015)
Migrants in Countries in Crisis Initiative, Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster (2016)
Nansen Initiative, Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change (2015)
OHCHR, Guiding Principles on Extreme Poverty and Human Rights (2012)
Report of the Special Rapporteur on the human rights of migrants on impacts of climate change on migration (A/67/299) (2012)
Human Rights Council resolution 35/20 on human rights and climate change (2017)

C. Enhancing international cooperation and governance of migration at borders, in transit, at entry and in relation to return

17. The movement of people across borders is a natural part of the human experience and predates the creation of international borders themselves.[17] Facilitating, regulating and governing that movement involves a complex process of cooperation between countries at the bilateral and multilateral levels, within governments and within societies.[18] The laws and standards of the international human rights framework regulate and shape the actions of States on migration, and are an integral part of migration governance. They set out the parameters and benchmarks for all migration governance measures.

18. When migrants seek to cross an international border or to enter a country, they can face a range of obstacles to enjoying their human rights. International law is clear that borders are not zones of exclusion or exemption from human rights obligations. On the contrary, States have a heightened duty of care for those migrants in vulnerable situations at their borders who will need specific protection interventions. Yet there is often a lack of proper individual assessment and referral at international borders to identify situations of vulnerability and human rights protection needs.

19. Migrants in transit risk a range of human rights violations and abuse, from pushbacks and arbitrary detention at borders to violence from traffickers and border guards and denial of access to basic — and even life-saving — services. Detention of irregular

[17] The New York Declaration for Refugees and Migrants affirms that since the earliest times, humanity has been on the move (para. 1).

[18] See OHCHR, Migration and human rights: improving human rights-based governance of international migration (2013).

migrants is increasing around the world. Far from being used as a last resort — as befits a measure with such a drastic effect on its subject — administrative detention is often routine and, in some cases, mandatory, even in the case of children.

20. All returns must be lawful. States have an obligation to ensure that no person is returned to a place where he or she would be at risk of torture or other serious human rights violations, including enforced disappearance, serious forms of discrimination and arbitrary interference with the right to a family and private life. The principle of non-refoulement and the prohibition of arbitrary or collective expulsion are cornerstones of international human rights law and apply to all migrants, wherever they are and regardless of their migratory status. In that regard, it is important to ensure that readmission agreements are based on human rights principles and are agreed on and implemented in a transparent and accountable manner.

21. Returns should also be sustainable. When migrants are sent back to countries in which they face the same conditions that compelled them to leave, they will have nothing to return to and no reason to stay. Instead, there is a high likelihood of repeat migration through increasingly dangerous routes and in increasingly perilous conditions as people seek the realization of their human rights and a life with dignity.

Compendium of principles[19]

Vienna Convention on Consular Relations (1963)

Convention on Facilitation of International Maritime Traffic (1965)

International Convention for the Safety of Life at Sea, 1974, as amended

International Convention on Maritime Search and Rescue, 1979, as amended

United Nations Convention on the Law of the Sea (1982)

United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)

Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997) on forced evictions

Human Rights Committee, general comment No. 27 (1999) on freedom of movement

Human Rights Committee, general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant

Human Rights Committee, general comment No. 35 (2014) on liberty and security of person

Working Group on Arbitrary Detention, deliberation No. 5 on the situation regarding immigrants and asylum seekers (1999)

Working Group on Arbitrary Detention, deliberation No. 9 concerning the definition and scope of arbitrary deprivation of liberty under customary international law (2012)

Committee on the Rights of the Child, general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin

Committee on the Rights of the Child, general comment No. 10 (2007) on children's rights in juvenile justice

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[19] Note, in addition, that all nine core international human rights instruments are relevant.

Compendium of principles[19]

United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (2015)

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (1985)

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988)

United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990)

United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (2010)

International Maritime Organization (IMO), Guidelines on the Treatment of Persons Rescued at Sea (2004)

World Health Organization, International Health Regulations (2005)

Basic principles and guidelines on development-based evictions and displacement (2007)

Inter-Agency Standing Committee, Guidelines on Mental Health and Psychosocial Support in Emergency Settings (2007)

IMO, Principles relating to administrative procedures for disembarking persons rescued at sea (2009)

UNHCR, Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention (2012)

International Organization for Migration (IOM), Migration Crisis Operational Framework (2012)

Report of the Special Rapporteur on the human rights of migrants on global migration governance (A/68/283) (2013)

OHCHR, Migration and human rights: improving human rights-based governance of international migration (2013)

International Law Commission, Draft articles on the expulsion of aliens (2014)

OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders (2014)

United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (2015)

Report of OHCHR on the situation of migrants in transit (A/HRC/31/35) (2016)

IOM, Migration Governance Framework (2015)

Human Rights Council resolution 11/9 on the human rights of migrants in detention centres (2009)

Human Rights Council resolution 29/2 on the protection of the human rights of migrants: migrants in transit (2015)

Human Rights Council resolution 35/17 on the protection of the human rights of migrants: the global compact for safe, orderly and regular migration (2017)

D. Promoting a human rights link between sustainable development and migration

22. The 2030 Agenda for Sustainable Development is unequivocally anchored in human rights, declaring explicitly that it is grounded in the United Nations Charter, the Universal Declaration of Human Rights, international human rights treaties and other instruments, and

requiring that the Agenda be implemented in a manner consistent with the obligations of States under international law, including their human rights obligations. The 2030 Agenda pledged that no one will be left behind and committed States to reach the furthest behind first. Thus to effectively unlock the development potential of migration, it is imperative to ensure the promotion, protection and fulfilment of the human rights of all migrants, regardless of their status. It is evident that no society can develop to its true potential when legal, social or political barriers prevent entire sectors of that society, such as migrants, from contributing to it.

23. While there is increased and welcome recognition of the essential contributions that migrants make to societies and economies in countries of origin, transit and destination, it is important to highlight the hazardous conditions under which many migrants earn the money that they are able to send as remittances and to underline that migrants cannot be seen merely as commodities or instruments for the economic development of others. Development strategies should ensure that migrants are not further marginalized, disempowered, excluded or left behind. In that context, it is important to ensure that migrants, including those in an irregular situation, are included in national strategies and plans of action on health, education, housing, employment and non-discrimination. New sources for the collection of disaggregated data are needed to measure and monitor the development progress of all migrants.

Compendium of principles[20]
UNESCO Convention against Discrimination in Education (1960)

Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991) on the right to adequate housing
Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999) on the right to education
Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999) on the right to adequate food
Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000) on the right to the highest attainable standard of health
Committee on Economic, Social and Cultural Rights, general comment No. 15 (2002) on the right to water
Committee on Economic, Social and Cultural Rights, general comment No. 19 (2007) on the right to social security
Committee on the Rights of the Child, general comment No. 7 (2005) on implementing child rights in early childhood
Committee on the Rights of the Child, general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health
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Declaration on the Right to Development (1986)
Outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want" (2012)
Addis Ababa Action Agenda of the Third International Conference on Financing for Development (2015)
Quito Declaration on Sustainable Cities and Human Settlements for All (2016)

[20] Note, in addition, that all nine core international human rights instruments are relevant.

Compendium of principles[20]
International Labour Organization (ILO) Maintenance of Social Security Rights Recommendation, 1983 (No. 167)
Recommendations on Statistics of International Migration, Revision 1 (1998)
Principles on housing and property restitution for refugees and displaced persons (2005)
Principles and Recommendations for Population and Housing Censuses (2008)
World Health Organization Global Code of Practice on the International Recruitment of Health Personnel (2010)
Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (2011)
OHCHR, Human Rights Indicators: A Guide to Measurement and Implementation (2012)
Report of the Secretary-General on the promotion and protection of human rights, including ways and means to promote the human rights of migrants (A/68/292) (2013)
...
Human Rights Council resolution 26/21 on the promotion of the human rights of migrants to the enjoyment of the highest attainable standard of physical and mental health (2014)

E. Addressing the smuggling of migrants, trafficking in persons and contemporary forms of slavery

24. Increasingly restrictive migration and border governance measures, coupled with a lack of accessible channels for safe and regular migration, can create the conditions and incentives for migrants to turn to more perilous routes and to the services of smugglers for assistance with travel, housing, employment and other matters.

25. Migrant smuggling, as seen through a human rights lens, does not in itself constitute a human rights violation per se and can in some circumstances be the relatively neutral provision of a service. Some smuggling can provide the necessary means by which migrants are able to move from one point to another, often to escape human rights violations, and smuggling is sometimes deeply rooted in local economies and livelihood strategies. In other cases, however, smugglers are profoundly implicated in perpetrating extortion, violence, abuse and theft against migrants, and some operate as part of organized criminal structures. Migrants who have turned to smugglers often have little choice in how they move, particularly when they are poor and otherwise marginalized, and are disproportionately at risk of abuse and exploitation by smugglers as well as by border authorities and other actors.

26. Effective and human rights-based responses to trafficking and migrant smuggling would include the establishment of national referral mechanisms for identification, assistance and protection services for victims, including gender- and child-sensitive measures, to detect trafficking cases and migrants in vulnerable situations and to provide indications of the risk of trafficking and other human rights violations in all locations where migrants are present, including reception and administrative detention centres, as well as other formal and informal settlements.

27. Attention needs to be paid to the human rights impact of counter-smuggling measures as well as anti-trafficking interventions, to ensure that they do not place migrants in situations of heightened vulnerability. Measures that are of concern include dangerous interception of migrants, heavily militarized borders, intrusive surveillance and intelligence-gathering methods, as well as disproportionate penalties on smugglers or the criminalization of people who are assisting migrants for humanitarian reasons.

Compendium of principles[71]
ILO Forced Labour Convention, 1930 (No. 29)
ILO Abolition of Forced Labour Convention, 1957 (No. 105)
ILO Worst Forms of Child Labour Convention, 1999 (No. 182)
United Nations Convention against Transnational Organized Crime (2000)
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000)
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2000)
ILO Protocol of 2014 to the Forced Labour Convention, 1930
Committee on the Elimination of Discrimination against Women, general recommendation No. 19 (1992) on violence against women
Committee on the Elimination of Discrimination against Women, general recommendation No. 33 (2015) on women's access to justice
Committee on the Rights of the Child, general comment No. 20 (2016) on the implementation of the rights of the child during adolescence
Committee on Economic, Social and Cultural Rights, general comment No. 22 (2016) on the right to sexual and reproductive health
Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)
Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World (2010)
United Nations Global Plan of Action to Combat Trafficking in Persons (2010)
Political declaration on the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons (2017)
OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking (2002)
Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) (2004)
UNICEF, Guidelines on the Protection of Child Victims of Trafficking (2006)
United Nations Office on Drugs and Crime (UNODC), International Framework for Action to Implement the Trafficking in Persons Protocol (2009)
UNODC, Model Law against Trafficking in Persons (2009)
UNODC, Model Law against the Smuggling of Migrants (2010)
UNODC, International framework for action to implement the Smuggling of Migrants Protocol (2011)
UNODC, Issue Paper: Corruption and the Smuggling of Migrants (2013)

[71] Note, in addition, that all nine core international human rights instruments are relevant.

Compendium of principles[23]
UNHCR, Guidelines on Temporary Protection or Stay Arrangements (2014)
Report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/29/38) (2015)
Report of the Special Rapporteur on the human rights of migrants (A/HRC/29/36) (2015)
Report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/32/41 and Corr.1) (2016)
Inter-Agency Coordination Group against Trafficking in Persons, A Toolkit for guidance in designing and evaluating counter-trafficking programmes (2016)
Inter-Agency Coordination Group against Trafficking in Persons, Issue Paper: Providing Effective Remedies for Victims of Trafficking in Persons (2016)
UNODC, Issue Paper: The Concept of "Financial or Other Material Benefit" in the Smuggling of Migrants Protocol (2017)
...
Human Rights Council resolution on the human rights of migrants: migration and the human rights of the child (2009)
Human Rights Council resolution on unaccompanied migrant children and adolescents and human rights (2015)
Human Rights Council resolution on unaccompanied migrant children and adolescents and human rights (2016)

F. Promoting decent work and labour mobility

28. Whether they moved primarily in search of decent work or not, it is a fact that a significant majority of migrants are involved in the world of work. Estimates indicate that over 70 per cent of all international migrants are migrant workers.

29. Migrant workers across the world, especially those in an irregular situation, experience abuse and exploitation in numerous forms. Sectors in which many work, such as construction, agriculture, food processing and fisheries, domestic and care work, can be unregulated and unprotected. The protection of all workers against exploitation and abuse is a core component of labour-related human rights, particularly in situations of vulnerability and a large power imbalance between workers and employers. International human rights law and international labour law converge on that matter.[22]

30. Migrants are often faced with a range of barriers to access justice, including in national courts and tribunals, as well as to monitoring and complaints mechanisms. Such barriers can include a lack of local language skills, limited information about their rights and means of redress, threats and intimidation by employers, fragmentation of different rights across various judicial and non-judicial mechanisms, a lack of access to a competent lawyer or interpreter and a lack of legal aid.

Compendium of principles[23]
ILO Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
ILO Labour Inspection Convention, 1947 (No. 81)
ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

[22] See E/2010/89, para. 51.

[23] Note, in addition, that all nine core international human rights instruments are relevant.

Compendium of principles[27]
ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
ILO Migration for Employment Convention (Revised), 1949 (No. 97)
ILO Equal Remuneration Convention, 1951 (No. 100)
ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
ILO Minimum Age Convention, 1973 (No. 138)
ILO Private Employment Agencies Convention, 1997 (No. 181)
ILO Domestic Workers Convention, 2011 (No. 189)
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ILO Migration for Employment Recommendation (Revised), 1949 (No. 86)
Committee on the Elimination of Discrimination against Women, general recommendation No. 26 (2008) on women migrant workers
Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, general comment No. 1 (2011) on migrant domestic workers
Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families
Committee on Economic, Social and Cultural Rights, general comment No. 23 (2016) on the right to just and favourable conditions of work
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ILO Declaration on Fundamental Principles and Rights at Work (1998)
ILO, Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration (2006)
Report of the Special Rapporteur on the human rights of migrants on labour exploitation of migrants (A/HRC/26/35) (2014)
Report of the Special Rapporteur on the human rights of migrants on the impact of recruitment practices on the human rights of migrants (A/70/310) (2015)
Report of the Secretary-General on the promotion and protection of human rights, including ways and means to promote the human rights of migrants (A/70/259) (2015)
Report of the United Nations High Commissioner for Human Rights on the realization of the right to work (A/HRC/31/32) (2015)
OHCHR, Behind Closed Doors: Protecting and Promoting the Human Rights of Migrant Domestic Workers in an Irregular Situation (2015)
ILO, General principles and operational guidelines for fair recruitment (2016)
Report of the Special Rapporteur on the human rights of migrants on the impact of bilateral and multilateral trade agreements on the human rights of migrants (A/HRC/32/40) (2016)
IOM, International Recruitment Integrity System: the IRIS Standard (2017)

III. Conclusion and recommendations

A. Conclusion

31. **In the Declaration of the High-level Dialogue on International Migration and Development (2013), the General Assembly decided to work towards an effective and inclusive agenda on international migration and to ensure safe, orderly and regular**

migration, with full respect for human rights (paras. 3 and 5). In the New York Declaration for Refugees and Migrants and the 2030 Sustainable Development Agenda, Member States have similarly expressed their intention to facilitate safe, regular and orderly, as well as "responsible", migration.

32. **From a human rights perspective, it is important to ensure that the rights and circumstances of the human being — the migrant — are at the centre of attempts to define what would constitute "safe, regular and orderly" migration. "Orderly" migration governance, for instance, should ideally refer to migration measures, including those related to entry, exit and return, that are non-discriminatory in purpose and effect, and that provide predictability for migrants and States in order to guard against migration policy responses that are arbitrary or unlawful. The characteristic of "orderly" should not merely operate as a synonym for control and prevention of movement, in the absence of a holistic analysis of migration routes and contexts and the individual circumstances and protection needs of people on the move. Migration that takes place through authorized channels of "regular" migration and in full respect of the rule of law is more likely to promote and protect the human rights of migrants, and in that regard, States are encouraged to cooperate to put in place accessible and regular migration channels that respond to the needs of economies and societies.[24] In the ultimate analysis, the global compact should aim above all to ensure migration that is "safe" for migrants, regardless of their status, and for the communities that they leave behind and into which they arrive, as well as those through which they transit. Safety in that context would refer not just to physical security, but more broadly to the proliferation of an environment in which dignity and human rights are respected, protected and fulfilled.**

33. **A global compact which is above all migrant-centred, human rights-based and gender-responsive would ensure social inclusion and guarantee alignment with the overarching aim of the 2030 Agenda for Sustainable Development to leave no one behind and to reach those furthest behind first (para. 4), as well as the goal of reducing inequalities, which is inherent in target 10.7 of the Sustainable Development Goals. The international legal framework thus represents the normative foundation upon which the global compact on safe, orderly and regular migration should be built. The present report has attempted to challenge the notion that there is no comprehensive framework for the protection of migrants, through detailing the extensive body of international law and related standards that provide legal protection for the human rights of all migrants, regardless of their status.**

34. **Furthermore, and to remain true to the promise of the New York Declaration for Refugees and Migrants, the global compact should strive above all to foster a human rights-based approach to migration. Such an approach would be based on the following principles:[25]**

(a) ***Universality and inalienability.*** **All people, including migrants, are entitled to universal and inalienable human rights;**

(b) ***Indivisibility, interdependence and interrelatedness.*** **All human rights, whether civil, cultural, economic, political or social, are indivisible, and the realization of one right often depends, wholly or in part, upon the realization of other rights;**

(c) ***Participation and inclusion.*** **Migrants are entitled to effective, free and meaningful participation in decisions that directly affect them;**

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[24] In the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the States parties bear in mind that the human problems involved in migration are even more serious in the case of irregular migration and are convinced therefore that appropriate action should be encouraged in order to prevent and eliminate clandestine movements and trafficking in migrant workers, while at the same time assuring the protection of their fundamental human rights (preamble). See also Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, general comment No. 2, para. 17.

[25] See also A/68/292, para. 12.

(d) *Non-discrimination and equality*. **Direct and indirect discrimination against migrants should be addressed in laws, policies and practices;**

(e) *Monitoring and accountability*. **The design and implementation of migration policies should be transparent and should ensure that migrants have access to mechanisms of redress and remedy.**[26]

35. **Effective protection and inclusion of migrants will depend on ensuring that societies as a whole are invested in the success of the endeavour. Therefore, policies related to migration must include the participation of all actors with a stake in the outcome, including parliaments, local governments, trade unions, national human rights bodies, non-governmental organizations and migrants themselves.**

36. **Protecting the right to information is a key element of empowerment for migrants; enabling them to access relevant information and support can harness their ability to make informed decisions and defend their rights through effective access to justice.**[27] **In order to ensure that their migration policies are not creating inequalities or otherwise obstructing the enjoyment of human rights, States are obliged to monitor the effects of their policies and actions, including through gathering disaggregated data, at a minimum by age, sex and migratory status.**[28] **States have committed within the New York Declaration for Refugees and Migrants to consider reviewing their migration policies with a view to examining their possible unintended negative consequences (para. 45).**

B. Recommendations

37. **The High Commissioner recommends that the global compact for safe, orderly and regular migration should, inter alia, commit States to:**

(a) **Review policies that criminalize migration, and establish in law a presumption against detention including through legally prescribing human rights-compliant, non-custodial, community-based alternatives to detention. States should establish, as a priority, national action plans for the elimination of child immigration detention involving government authorities, civil society and other relevant actors, including children themselves;**[29]

(b) **Develop and implement clear and binding procedures and standards on the establishment of "firewalls" between immigration enforcement and public services at all levels, including in the fields of access to justice, policing, housing, health care, education, social and labour services for migrants;**[30]

(c) **Establish practical and effective mechanisms to assess the individual situation of all migrants at borders, in accordance with due process guarantees and as soon as possible after migrants arrive. States should develop guidelines and implement agreements with national human rights protection bodies, legal aid service providers and other relevant actors to ensure timely and effective screening and referrals for migrants in vulnerable situations. Such procedures should, as relevant, be prior to,**

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[26] There are many ways to address the issue of monitoring and accountability in migration, including: (i) ratification and implementation of international human rights treaties; (ii) judicial and quasi-judicial mechanisms, for example, national courts, constitutional and administrative reviews, national human rights commissions and ombudspersons; (iii) administrative and policy mechanisms, for example, reviews of the human rights impact of migration policies; (iv) political mechanisms, for example, parliamentary processes and monitoring and advocacy by non-governmental organizations; and (v) reporting to international human rights supervisory mechanisms.

[27] See Global Migration Group, draft principles and guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations, principle 16.2.

[28] See Committee on Economic, Social and Cultural Rights, general comment No. 14.

[29] See Global Migration Group, draft principles and guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations, principles 1.3 and 8.

[30] Ibid., principles 2.5, 7.5, 12.8 and 17.3.

apart from, or alongside assessments to establish an asylum claim. States should provide guidance on the practical operationalization of the principle of the best interests of the child for all migrant children, including those who may not be making a claim for asylum;[31]

(d) Promulgate robust anti-discrimination legislation that protects migrants from all forms of discrimination, including on the grounds of nationality or migrant status, and establish national specialized bodies in that respect, and develop benchmarks for the elimination of xenophobia against migrants;[32]

(e) Guarantee meaningful human rights protection of all migrants in vulnerable situations, and in that regard commit to implementing the comprehensive guidance provided in the Global Migration Group's draft principles and guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations;

(f) Ensure that national, regional and international policymaking on migration is subject to monitoring and oversight, including parliamentary scrutiny, and publish all bilateral agreements, readmission agreements and memoranda of understanding relevant to migration. The global compact should strive to ensure that international cooperation consistently complies with the obligation to respect, protect and fulfil human rights, and that such cooperation is never made conditional on measures that unlawfully or disproportionately restrict or penalize migration or migrants;[33]

(g) Regularly review progress in implementing the commitments made under the global compact, including through establishing or strengthening independent internal and external mechanisms to monitor the human rights impact of laws, policies and practices relevant to migrants. All stakeholders, including migrants themselves, should be involved in implementation and accountability mechanisms.

[31] Ibid., principles 5.5 and 5.6.
[32] Ibid., principle 2.
[33] Ibid., principles 1.4 and 20.8.

Annex

Examples of practice

The content of this annex on good and promising practice is extracted from the inventory of 'practical guidance' contained within the Global Migration Group 'Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations' (draft). The latter document is regularly updated with examples of good and promising practice on the human rights protection of migrants in vulnerable situations. It should be noted that OHCHR has not independently verified the information contained in this annex. The following examples of good and promising practice are presented without claiming to be complete or geographically representative.

Principle 1: Human Rights
Ensure that human rights are at the centre of addressing migration, including responses to large movements of migrants

States of the Ibero-American Community have undertaken "[t]o promote the strengthening of human rights as a key component of the immigration policies and practices of the countries of origin, transit, and destination, ensuring the protection of the human rights of migrants within the framework of the laws of each State, regardless of their immigration status, nationality, ethnic origin, gender, or age."[1]

The Netherlands Institute for Human Rights published *The Human Rights Yardstick* for assessing migration agreements between the European Union and third countries. The yardstick summarizes and lists the international human rights obligations that States are bound by when negotiating migration agreements with other countries.[2]

Article 40 of the Ecuador Constitution states that no person shall be identified nor considered as "illegal" due to his/her migration status.[3]

Article 2 of the Mexican Migration Law establishes that irregular migration status does not in itself constitute a criminal offence.[4]

The new Migration Law of Brazil adopted on 24 May 2017 provides that the Brazilian migratory policy is to be governed by the principle of non-criminalization of migration (Art. 3(III)). This new legislation aims to guarantee rights, foster inclusion and ensure that the fundamental respect for the dignity of all migrants lies at the centre of national policies. It will also provide for humanitarian visas.[5]

The Santa Cruz Declaration (2006) sets out practical steps that National Human Rights Institutions (NHRIs) can undertake to promote and protect the rights of migrants to uphold migrants' rights.[6]

UNHCR is running the *Campaign to End Statelessness* in 10 years: #IBELONG to a world where everyone has the right to a nationality.[7]

The European Network on Statelessness (ENS) document that 21 European States have national laws that fully comply with international and regional law on statelessness and the right to a nationality: Armenia, Belgium, Bosnia and Herzegovina, Bulgaria, Finland, France, Greece, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Moldova, Montenegro, Portugal, Serbia, Slovakia, Spain, Turkey, Ukraine, United Kingdom.[8] The ENS is running a campaign, *No Child Should Be Stateless*, to prevent children from growing up without a nationality.[9]

Chapter six of the Brazil Plan of Action adopted by the governments of Latin America and the Caribbean in December 2014 addresses statelessness, including a call to "adopt legal protection frameworks that guarantee the rights of stateless persons, in order to regulate issues such as their migratory status, identity and travel documents and, more generally, ensure full enjoyment of the rights".[10]

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[1] Montevideo Commitment on Migration and Development of the Heads of State and Government of the Ibero-American Community, adopted during the XVI Ibero-American Summit held in Montevideo, Uruguay, on 4 and 5 November 2006, para. 25 (g), http://www.acnur.org/t3/fileadmin/Documentos/BDL/2006/4604.pdf?view=1.

[2] The Yardstik is available at https://www.mensenrechten.nl/publicaties/detail/37661. See also: The Netherlands Institute for Human Rights, *Human Act or Devil's Pact? Human rights aspects of migration agreements between EU and third countries*, May 2017.

[3] Constitution of Ecuador, Article 40, available at: http://www.asambleanacional.gov.ec/documentos/constitucion_de_bolsillo.pdf.

[4] Mexico's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[5] Law 13.445/2017, 05/24/2017, article 3, available at: http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/L13445.htm.

Principle 1: Human Rights
Ensure that human rights are at the centre of addressing migration, including responses to large movements of migrants

The 2004 Argentinian National Migration Law contains standards to ensure respect for human rights of migrants and their families, while establishing mechanisms for easy access to migratory regularization. The provisions include respect for human rights and international commitments (article 3), the right to migrate, based on based on the principles of equality and universality (article 4) and the principle of equal treatment (article 5). Migration status does not preclude migrants' equal access to the right to health, social assistance and education.[11]

In Guatemala, OHCHR continued to provide technical assistance and advice to various commissions in the Congress of Guatemala on reform of the law on migration. The views expressed by the Office, and the recommendations made by the Special Rapporteur on the human rights of migrants and the Committee on the on the Protection of the Rights of All Migrant Workers and Members of Their Families were incorporated into the draft.[12]

In Timor-Leste, OHCHR provided assistance in preparing the first State party report under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Between March and October 2015, three training sessions on the Convention, the reporting process and its outcome were conducted and OHCHR co-facilitated with the Government two consultations that gathered input for the report from State officials, civil society entities, the private sector and embassies.[13]

[6] Santa Cruz Declaration, adopted at the Eighth International Conference for National Human Rights Institutions, Santa Cruz, Bolivia, 23-27 October 2006, http://nhri.ohchr.org/EN/ICC/InternationalConference/PreviousConf/Pages/Eight-International-Conference.aspx.

[7] Information at http://www.unhcr.org/ibelong/. See also, *Agenda For Humanity: Annex to the Report of the Secretary-General for the World Humanitarian Summit*, Core responsibility 3.C: End statelessness in the next decade.

[8] Specifically, Article 1 of the 1961 Convention on the Reduction of Statelessness, and Article 6(2) of the 1997 European Convention on Nationality. See European Network on Statelessness, *No Child Should Be Stateless*, ENS 2015, Annex 2, available at http://www.statelessness.eu/sites/www.statelessness.eu/files/ENS_NoChild Stateless_final.pdf.

[9] Campaign infographic at http://statelesskids.eu/post/152893090770/children-get-their-nationality-through-different.

[10] Brazil Plan of Action: A Common Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity, Chapter 6, including para. (e), available at: http://www.acnur.org/cartagena30/en/brazil-declaration-and-plan-of-action/. See also: Brazil Declaration: A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean.

[11] Argentina's submission to OHCHR, according to General Assembly Resolution A/RES/67/172 on the Protection of migrants; General Assembly, Promotion and protection of human rights, including ways and means to promote the human rights of migrants: Report of the Secretary-General, A/68/292, 9 August 2013, para. 41.

[12] Human Rights Council, Technical cooperation and capacity-building to promote and protect the rights of all migrants, including women, children, older persons and persons with disabilities: Report of the High Commissioner for Human Rights, A/HRC/31/80, 25 January 2016, para. 36.

[13] Human Rights Council, Technical cooperation and capacity-building to promote and protect the rights of all migrants, including women, children, older persons and persons with disabilities: Report of the High Commissioner for Human Rights, A/HRC/31/80, 25 January 2016, para. 63.

Argentina, Brazil, Costa Rica and Venezuela strongly espouse the principle of non-discrimination and do not distinguish between nationals and non-nationals for the purposes of access to and enjoyment of fundamental rights.[14]

The *Charter on Inclusion of Persons with Disabilities in Humanitarian Action* recognizes the multiple and intersecting forms of discrimination that exacerbate the exclusion of migrants with disabilities in situations of risk and the further impairment that may result from that intersection. The Charter was developed in a consultative process with over 70 stakeholders and is endorsed by over 100 states, civil society organizations and UN agencies.[15]

In order to prevent discriminatory conduct by police officers, Switzerland undertakes the following measures: 1) Capacity building: modules on human rights and racial discrimination are included in the basic professional training for police officers; 2) Monitoring: as part of the fight against racial profiling, inspections and arrests are regularly supervised; 3) Complaint: mechanisms are in place to file a complaint in case of racist conduct of a member of the police force.[16]

In New Zealand, there are various legal and complaint mechanisms available to people who believe they have been discriminated against or who have been subjected to hate speech. Depending on the nature of the concerns individuals are able to complain to the law enforcements agencies or to organizations such as the Human Rights Commission.[17]

The European Union High Level Group on combating racism, xenophobia and other forms of intolerance, which was set up to foster peer learning and exchange of best practices between Member States, civil society and international partners, developed a hate crime training guide for law enforcement and criminal justice authorities.[18]

The Polish-based Fundacja Rozwoju "Oprócz Granic" (Foundation for Development "Beyond Borders", FROG) has worked to develop documented and undocumented women's engagement with media. They are involved in "Broadcasts radjowe", a bi-weekly radio initiative that informs listeners about migration issues such as the role of undocumented domestic and care workers as Polish women migrate west.[19]

Resources: There are several resources providing guidance on rights-based language on migration, including: a) the *Media-Friendly Glossary on Migration* (August 2014); b) Human Rights Watch, *Guidelines for Describing Migrants*, 24 June 2014; c) PICUM, *Why 'Undocumented' or 'Irregular' — Terminology 'Words Matter' Campaign*, June 2014; d) Define American, #WordsMatter factsheet and media/journalist pledge campaign.[20]

In Romania, community information campaigns have raised awareness of the issues faced by asylum seekers and migrants and have played an important role in fighting xenophobia and ensuring a better understanding of their situation.[21]

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[14] International Detention Coalition, *There Are Alternatives: A Handbook for Preventing Unnecessary Immigration Detention (Revised Edition)* Melbourne: IDC, 2015, p. 28, available at: http://idcoalition.org/publication/there-are-alternatives-revised-edition/.

[15] The Charter is available at http://humanitariandisabilitycharter.org. On the intersection between disability and migrant and other statuses, see para. 1.8.

[16] Switzerland's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[17] New Zealand' submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[18] European Union's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[19] PICUM, *Strategies to End Double Violence Against Undocumented Women — Protecting Rights and Ensuring Justice*, 2012, p. 46.

In 2016 the New Zealand Human Rights Commission launched the "#ThatsUs"[22] campaign, an initiative in support of the New Zealand Migrant Settlement and Integration Strategy. That's Us is New Zealand's first anti-racism campaign that asks New Zealanders to start sharing personal stories about racism, intolerance and hatred as well as their hopes for the future. It is based on the believe that talking about the impact of casual racism will deter xenophobia.[23]

The Austrian Redcross has developed the "Stammtisch APP" to counter misinformation leading to racism and to promote discussion and integration of migrants in Austria.[24]

ProjektXchange is a programme of the Austrian Red Cross created in response to increasing negative public attitudes to migration. Approximately 300 volunteers with a migratory background were invited to act as 'ambassadors of integration'. These migrant ambassadors visited schools and met with youth groups to share their experiences, including why they came to Austria, what they do, their experiences of discrimination and xenophobia, and their hopes for the future.[25]

The African Centre for Migration & Society (ACMS) at the University of the Witwatersrand in Johannesburg and the technology website iAfrikan have launched a crowdsourcing platform called Xenowatch to address the lack of information on violence against migrants and refugees, which is not officially monitored and documented. People can report xenophobic threats or violence to Xenowatch online, by SMS or email. Reports are verified, anonymized and documented on a map using the Ushahidi platform, as well as shared with the police and the United Nations High Commission for Refugees. The ACMS and iAfrikan are working with the South African Local Government Association to have data from Xenowatch included in the scorecards they use for evaluating local political performance. The data can also be used by NGOs to advocate for accountability.[26]

The Youth Department of the Council of Europe coordinates *Hate Speech Watch*, a user-generated repository to trace, share and discuss online hate speech content, including that targeted towards migrants and refugees.[27]

In collaboration with the UNHCR and with the participation of more than 35 NGOs and other bodies, the Greek National Commission on Human Rights (GNCHR) established the Racist Violence Recording Network, which primarily focuses on monitoring and recording of racist attacks against migrants in Greece. Quantitative and qualitative analysis of the network's data is used to alert authorities on new trends or escalations in hate crime. The network also raises awareness of hate crime and methods for combatting it; supports victims to report incidents and obtain legal aid; and organises training programmes for civil society and institutional bodies on how to identify, record and combat hate crime.[28]

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[20] United Nations Alliance of Civilizations (UNAOC) and Panos Europe Institute (IPE), *Media-Friendly Glossary on Migration*, with contributions from PICUM, IDMC, IFRC, ILO, IOM, OHCHR, TdH and UNHCR, August 2014, available at http://www.panoseurope.org/publications/media-friendly-glossary-migration; Human Rights Watch, *Guidelines for Describing Migrants*, 24 June 2014, available at https://www.hrw.org/news/2014/06/24/human-rights-watch-guidelines-describing-migrants; PICUM, *Why 'Undocumented' or 'Irregular' — Terminology 'Words Matter' Campaign*, June 2014, available at http://picum.org/picum.org/uploads/file_/TerminologyLeaflet_reprint_FINAL.pdf; Define American, #WordsMatter factsheet and media/journalist pledge campaign, available at https://defineamerican.com/campaigns/wordsmatter/.

[21] General Assembly, Promotion and protection of human rights, including ways and means to promote the human rights of migrants: Report of the Secretary-General, A/68/292, 9 August 2013, para. 38.

[22] http://www.thatsus.co.nz/.

[23] New Zealand's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

Several measures have been adopted in Mexico to guarantee access to justice for irregular migrants, such as the creation of the public prosecution service for migrants in the state of Chiapas, as well as the protocols adopted by the National Institute of Migration in 2010 for the identification and assistance of migrants who are victims of crime.[29]

Article 1.1 of European Union Directive 2012/29/EU requires States to ensure access to justice, information, support and protection to all victims of crime, irrespective of their residence status.[30]

Article 59 of the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence introduces the possibility of granting migrant women, who are victims of domestic violence and whose residence status depends on that of their spouse or partner, with their own residence permit when the relationship ends. This allows a victim of domestic violence to leave the relationship and seek protection without losing her residence status.[31]

The European Union Directive on the right of access to a lawyer in criminal proceedings (2013/48/EU) is a regional standard that provides for minimum rules on the right of access to a lawyer from first stage of police questioning throughout criminal proceedings, the rights to legal advice in country where the arrest is carried out and where it is issued (dual legal representation), and the right to have a third party informed upon deprivation of liberty as well as to communicate with consular authorities.[32]

Article 52.V of Mexico's Immigration Law provides for a right to remain on humanitarian grounds for persons who are victims, witnesses of or affected by a crime in Mexico. They will be allowed to remain in the country until the end of the criminal process, after which they must leave or apply for a new immigration status. Humanitarian status allows multiple entries into Mexico and work permit.[33]

Brazil, Poland and Singapore reported specific provisions to enhance access to justice for survivors of trafficking, including treatment of a trafficked person as a victim and survivor of abuse and not as an offender; investigations to identify and prosecute traffickers; and engagement with foreign embassies and non-governmental organizations to encourage trafficked victims to come forward without risk of prosecution.[34]

In the United States, legislation provides temporary migration status to migrants who are victims of certain crimes, including human trafficking.[35]

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[24] UNODC, *Combating violence against migrants: Criminal justice measures to prevent, investigate, prosecute and punish violence against migrants, migrant workers and their families and to protect victims*, 2015, pp. 32-33, referencing http://www.racismnoway.com.au.

[25] IFRC, Smart practices that enhance the resilience of migrants. available at:http://media.ifrc.org/global-review-on-migration/smart-practice/projektxchange-austria/

[26] C. Alfred, South African Website to Crowdsource Reports of Xenophobic Violence, News Deeply: Refugees Deeply, 29 August 2016, https://www.newsdeeply.com/refugees/articles/2016/08/29/south-african-website-to-crowdsource-reports-of-xenophobic-violence.

[27] http://www.nohatespeechmovement.org/hate-speech-watch.

[28] Written Information submitted by the Greek National Commission for Human Rights in relation to the implementation of the International Convention on the Elimination of all forms of Racial Discrimination in Greece, July 2016, p. 53. Available from http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/GRC/INT_CERD_IFN_GRC_24494_E.pdf.

[29] General Assembly, Promotion and protection of human rights, including ways and means to promote the human rights of migrants: Report of the Secretary-General, A/68/292, 9 August 2013, para. 88.

Numerous jurisdictions in the United States have firewalls in place between the criminal justice system and immigration enforcement. The Los Angeles Police Department in the State of California prohibits officers from initiating contact with someone solely to determine whether they are in a regular situation, a practice mandated by a special order signed in 1979. The police department has stopped turning over people arrested for low-level crimes to federal agents for deportation and moved away from honouring federal requests to detain inmates who might be deportable past their jail terms.[36] Sanctuary cities in the USA are those that have adopted a policy of protecting the rights of migrants in an irregular situation by not prosecuting them solely for violating federal immigration laws. These jurisdictions commit to limiting how local law enforcement and federal government agencies interact on matters of immigration enforcement. The first declared sanctuary city was San Francisco in 1989; the country now has more than 300 sanctuary jurisdictions.[37]

In the USA, California state officials are proposing to further restrict the ability of federal authorities to detain and deport the approximately 2.3 million undocumented immigrants living in the state. Senate Bill 54 would prohibit state and local law enforcement, including school police and security departments, from using their resources for immigration enforcement. The Bill would also create "safe zones" at public schools, hospitals and courthouses where immigrant enforcement would be banned, and require state agencies to update their confidentiality policies so that information on individuals' immigration status is not shared for enforcement purposes.[38]

The US the Justice Department is trying to minimize the role of bias in law enforcement and the courts. More than 250 federal immigration judges attended a mandatory anti-bias training session in August 2016, and the Justice Department announced that 28,000 more employees would go through a similar exercise.[39]

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[30] Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA concerning the right to understand and be understood, available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012L0029.

[31] Council of Europe's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[32] Directive 2013/48/EU of the European Parliament and of the Council on the right of access to a lawyer, adopted 6 November 2013. Available at http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013L0048.

[33] Mexico's Immigration Law, Article 52.V (DOF 21-04-2016). Available at http://www.google.ch/url?url=http://sre.gob.mx/component/phocadownload/category/2-marco-normativo%3Fdownload%3D294:ley-de-migracion-dof-25-05-11&rct=j&frm=1&q=&esrc=s&sa=U&ved=0ahUKEwic_MyUh6bSAhUCVhoKHVIKAToQFggUMAA&sig2=rmh8TJ4R25ro3du1L3HPzQ&usg=AFQjCNHVKtTLG6kwWoqjuvyXMzYArPzlvg.

[34] General Assembly, Violence against women migrant workers: Report of the Secretary-General, A/68/178, 23 July 2013, para. 41.

[35] General Assembly, Promotion and protection of human rights, including ways and means to promote the human rights of migrants: Report of the Secretary-General, A/68/292, 9 August 2013, para. 86.

[36] Kate Mather and Cindy Chang, LAPD will not help deport immigrants under Trump, chief says, *Los Angeles Times*, 14 November 2016, http://www.latimes.com/local/lanow/la-me-ln-los-angeles-police-immigration-20161114-story.html.

[37] https://cliniclegal.org/sites/default/files/clinic-sanctuary-cities-toolkit-final.pdf.

[38] Alexei Koseff, California bill creates deportation 'safe zones' for undocumented immigrants, *The Sacramento Bee*, 7 December 2016, http://www.sacbee.com/news/politics-government/capitol-alert/article119467653.html. The bill was re-referred to the Committee on Appropriations on 31 January 2017. See at https://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml?bill_id=201720180SB54.

Principle 3: Access to justice for migrants
Ensure access to justice for migrants

Bosnia and Herzegovina, Jamaica and the United Arab Emirates have reported undertaking capacity-development of government officials and service providers to improve service delivery to women migrants. Such initiatives focused on the provision of training related to gender-based violence for the judiciary, prosecutors and service providers.[40]

Resource: The International Commission of Jurists (ICJ) has published a set of Principles on the Role of Judges and Lawyers in relation to Refugees and Migrants. The Principles seek to help judges and lawyers, as well as legislators and other government officials, better secure human rights and the rule of law in the context of large movements of refugees and migrants.[41]

Principle 4: Rescue and assistance
Protect the lives and safety of migrants [illegible] assistance to all migrants facing risks to life or safety

Migrant Offshore Aid Station (MOAS) is a foundation working to saving lives at sea by providing professional search and rescue services for people in distress on the open sea in search for safe shores. MOAS actively search for vessels in distress, and immediately inform the official coast guards and/or Rescue Coordination Centres and then assist as directed or as required by the situation.[42]

Front-line officers from the Tucson sector of the US Border Patrol pooled resources to purchase and established rescue beacons at several points in the desert, from where migrants can call the Border Patrol directly when in distress, providing locations of these beacons via their own GPS units.[43]

The Italian Red Cross provides first line primary health support at disembarkation points in Italy. Once migrants arrive, doctors from the Ministry of Health conduct an on-board medical check. Then, Italian Red Cross volunteers take care of the migrants when they disembark from the ships at the ports; volunteers perform triage on the docks to identify the most vulnerable migrants. Depending on their condition, migrants are either referred to hospitals or treated at medical posts. Other services provided by the Italian Red Cross at disembarkation are hospital transportation, distribution of relief items, restoring family links, psychosocial support, and advice on health issues and services.[44]

[39] Caitlin Dickerson, How U.S. Immigration Judges Battle Their Own Prejudice, The New York Times, 4 October 2016, http://www.nytimes.com/2016/10/05/us/us-immigration-judges-bias.html.

[40] General Assembly, Violence against women migrant workers: Report of the Secretary-General, A/70/205, 27 July 2015, para. 49.

[41] International Commission of Jurists, Principles on the Role of Judges and Lawyers in relation to Refugees and Migrants, May 2017, available at: https://www.icj.org/rmprinciples/.

[42] https://www.moas.eu.

[43] Chamblee, John F. et al. "Mapping Migrant Deaths in Southern Arizona: The Humane Borders GIS." *Humane Borders* 2005, available at http://www.aaas.org/sites/default/files/migrate/uploads/migrant-report.pdf.

[44] IFCR, Smart practices that enhance the resilience of migrants, available at: http://media.ifrc.org/global-review-on-migration/smart-practice/first-line-response-at-landings-italy/.

The government of Zambia collaborated with the IOM, UNHCR and the United Nations Children's Fund to develop a National Referral Mechanism and associated Guidelines to effectively identify vulnerable migrants and refer them to appropriate authorities and services. More than 200 frontline officers have received training on the mechanism and associated guidelines.[47]

The Republic of Macedonia has adopted Standard Operating Procedures for Vulnerable Individuals-Foreigners, and Standard Operating Procedures for Unaccompanied and separated children, which support protection activities implemented in the transit centers.[48]

Kids Café provided a safe welcoming space for unaccompanied minors in the Calais Jungle. Established by a refugee and a volunteer, the café provided 200 meals a day, English and French classes, and asylum advice for the hundreds of unaccompanied children who lived there. The café was also a space where the children could be registered. The café had a drum kit, pool table, dart board and some sofas. The children could get warm meals a day, for free, and it was one of the few spaces the children could call their own.[49]

A State-civil society partnership plan involving El Salvador, Guatemala and Honduras has been developed to improve the lives of young children and address humanitarian and social problems associated with unaccompanied children migrating to the United States.[50]

During the large influx of migrants into Malmo in the autumn of 2015, the Swedish Red Cross created a condensed version of their volunteer training programme that can be rolled out quickly when the urgency of the response and associated time constraints preclude volunteers from undergoing the full training programme. Due to the abridged nature of the training, volunteers were also encouraged to consult the e-learning platform and work closely with more experienced colleagues.[51]

In Tunisia, Médecins Sans Frontières trained local fishermen in search and rescue, and teams from the Tunisian and Libyan Red Crescents in dead body management.[52]

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[47] International Detention Coalition, *There Are Alternatives: A Handbook for Preventing Unnecessary Immigration Detention (Revised Edition)* Melbourne: IDC, 2015, p. 37. See the National Referral Mechanism available at https://www.iom.int/files/live/sites/iom/files/Country/docs/National-Referral-Mechanism-NRM-for-the-Protection-of-Vulnerable-Migrants-in-Zambia.pdf and the related Guidelines available at https://www.iom.int/files/live/sites/iom/files/Country/docs/Guidelines_Protection-Assistance-for-Vulnerable-Migrants.pdf.

[48] Republic of Macedonia's submission for OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[49] Save the Kids Cafe — Sauvons le Café des Enfants, https://www.change.org/p/save-the-kids-cafe-sauvons-le-caf%C3%A9-des-enfants; Update: The Kids Cafe Isn't Closing https://www.change.org/p/save-the-kids-cafe-sauvons-le-caf%C3%A9-des-enfants/u/17549747; Jungle Books 'Kids Restaurant', Calais, https://mydonate.bt.com/events/junglebookskidsrestaurant/.

[50] Human Rights Council, Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned. Report of the United Nations High Commissioner for Human Rights, A/HRC/32/20, 11 April 2016, para. 29, citing Permanent Mission of El Salvador to the United Nations Office at Geneva.

[51] International Federation of Red Cross and Red Crescent Societies' (IFRC), Crash courses for volunteers responding to mass movements, Sweden — Swedish Red Cross, *IFRC Smart Practices database*, http://media.ifrc.org/global-review-on-migration/enabler/crash-courses-for-volunteers-responding-to-mass-movements-sweden/.

Principle 4: Rescue and assistance
Protect the lives and safety of migrants and ensure access and immediate assistance to all migrants facing risks to life or safety

In Italy, the Extraordinary Commissioner for Missing Persons (CSPS) constantly updates the National Register of Unidentified Bodies and national statistics on missing persons. In 2010, the CSPS and the Public Security Department of the Ministry of Interior developed a new information system, called Ri.Sc. (Missing People Research, in Italian "Ricerca Scomparsi"). The Ri.Sc. system, in addition to the complete and interconnected management of information, enables to make a cross between biometric and descriptive data saved in the 'missing person' file with those collected in the "unidentified corps" file.[71]

In Arizona, USA, Tucson-based grassroots organization *Derechos Humanos* operates the Missing Migrant Hotline Project, to help families locate loved ones who go missing while crossing the border. Staff and volunteers respond to three types of calls: migrants lost in detention, migrants lost in the desert, and those who died while crossing the US-Mexico border. The organisation keeps an updated record of the number of bodies recovered and, with the cooperation of Arizona county officials, as well as the Consular offices of México, Guatemala, El Salvador, Honduras, and Brazil, and the Binational Migration Institute, attempts to put names to those who have been recovered.[72]

The Last Rights Project is developing a set of principles in order to clarify which steps states should take when dealing with dead, missing and bereaved migrants. The guidance draws upon international human rights, humanitarian, maritime and criminal law and aims at ensuring that the rights of missing and dead and bereaved family members are respected.[73]

Principle 5: Border governance
Ensure that all border governance measures protect human rights, including the right to freedom of movement and the right of all persons to leave any country, including their own, recognizing that States have legitimate interests in exercising immigration controls

Article 40 of the Constitution of Ecuador recognizes the right of all individuals to migrate.[74]

Article 4 of Argentina's Immigration Law (Law 25.871), enacted in January 2004, recognizes the right to migrate base on the principles of equality and universality.[75]

The Kino Border Initiative is located in Nogales, Arizona and Sonora, Mexico, and works on both sides of the Mexico-US border, offering migrants meals, clothes, first aid, and safety tips.[76]

[71] http://www.cnsd.org/en/topics/mediterranean-migration. See also L. Suggins, Tunisian fishermen request training in sea rescue techniques: Médecins Sans Frontières instruct seafarers in how to help migrants in difficulty, Irish Times, 7 September 2015, available at http://www.irishtimes.com/news/ireland/irish-news/tunisian-fishermen-request-training-in-sea-rescue-techniques-1.2342339

[72] Mediterranean Missing, *Missing Migrants: Management of Dead Bodies in Sicily — Italy Country Report*, September 2016, p. 28, available at http://www.mediterraneanmissing.eu/wp-content/uploads/2015/10/Mediterranean-Missing-Italy-report-long.pdf

In Italian see also http://www1.interno.gov.it/mininterno/export/sites/default/it/sezioni/sala_stampa/notizie/persone_scomparse/0530_201010_18_appeal_rou.html

[73] Derechos Humanos' Missing Migrant Hotline Project, http://derechoshumanosaz.net/missing-migrant-project-2/, with data from the project available at http://derechoshumanosaz.net/remembering-the-dead/

[74] Information on the Last Rights Project is available at http://lastrights.net/home/4092071170.

[75] OHCHR, Study on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration, A/HRC/15/29, 5 July 2010, para. 80; General Assembly, Promotion and protection of human rights, including ways and means to promote the human

Principle 2. Border governance

Ensure that all border governance measures protect human rights, including the right to freedom of movement and the right of all persons to leave any country, including their own, recognizing that States have legitimate interests in exercising immigration controls.

Resource: UNHCR and IDC have published a *Vulnerability Screening Tool* to assist governments and other stakeholders to identify and address situations of vulnerability in the context of migration and asylum.[57]

Azerbaijan and Bosnia and Herzegovina have undertaken various initiatives for training public officials on migration and trafficking in persons, including on the application of the provisions of the international human rights framework. Colombia provides training to its immigration authorities on provisions relating to human rights and migration, refugee law and trafficking in persons and smuggling of migrants. In Romania, immigration officials working in locations such as ports, airports and border crossings benefit from training programmes on the practical application of human rights standards.[58]

Resource: OHCHR produced the *Recommended Principles and Guidelines on Human Rights at International Borders* in 2014.[59]

OHCHR in collaboration with UNHCR has provided training sessions to the staff of European Union naval ships in the Mediterranean Sea on human rights in law enforcement, the human rights of migrants, the standards of treatment for all those rescued or intercepted at sea and the protection and human rights of refugees.[60]

Facilitated by FRONTEX, OHCHR has provided training of trainers of border guards in member and non-member states of the European Union on human rights, focusing on the human rights of migrants.[61]

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rights of migrants: Report of the Secretary-General, A/68/292, 9 August 2013, para. 42. In Spanish, Constitution of Ecuador, Article 40, available at: http://www.asambleanacional.gov.ec/documentos/constitucion_de_bolsillo.pdf.

55 International Detention Coalition, *There are alternatives: A handbook for preventing unnecessary immigration detention (Revised).* Melbourne, IDC, 2015, available at http://idcoalition.org/publication/there-are-alternatives-revised-edition/.

56 https://www.kinoborderinitiative.org; Lourdes Medrano, Modern migrants pose new challenges to Mexican border towns, *The Christian Science Monitor*, 17 February 2013, http://www.csmonitor.com/World/Americas/2013/0217/Modern-migrants-pose-new-challenges-to-Mexican-border-towns.

57 UNHCR and IDC, *Vulnerability Screening Tool.* Geneva: UNHCR 2016, available at http://idcoalition.org/publication/identifying-and-addressing-vulnerability-a-tool-for-asylum-and-migration-systems/.

58 General Assembly, Promotion and protection of human rights, including ways and means to promote the human rights of migrants: Report of the Secretary-General, A/68/292, 9 August 2013, para. 55.

59 OHCHR, *Recommended Principles and Guidelines on Human Rights at International Borders.* A/69/CRP. 1, 23 July 2014, available at http://www.ohchr.org/EN/Issues/Migration/Pages/InternationalBorders.aspx.

60 General Assembly, Report of the Secretary-General pursuant to Security Council resolution 2240, S/2016/766, 21 September 2016, para. 28.

61 Human Rights Council, Technical cooperation and capacity-building to promote and protect the rights of all migrants, including women, children, older persons and persons with disabilities: Report of the High Commissioner for Human Rights, A/HRC/31/80, 25 January 2016, para. 43.

Principle 6: Returns
Ensure that all returns are only carried out in full respect for the human rights of migrants and in accordance with international law, including upholding the principle of non-refoulement, the prohibition of arbitrary or collective expulsions and the right to seek asylum

The Centre for Care for the Returned Migrant (CAMR), located in Honduras, is an initiative of the Government of Honduras administered by the Honduran Red Cross. The centre offers the following services, among others, to returned migrants: (1) reception, (2) registration, (3) food and water, (4) health services, (5) transport, (6) a chapel or prayer room, (7) a phone call, (8) toilets and hygiene services, (9) clothing and footwear, (10) gender-separate accommodation, (11) information on employment programmes. The Belen Care Centre for Returning Underage Migrants (CANFM-Belen) is led by the Department of Children, Youth and Family. It offers similar services and in addition: (1) a gender- and age-separated playground area, (2) psychological support, (3) social work, (4) gardens and green areas, (5) gender- and age-separated accommodation, and (6) vocational training, among others.[62]

The International Committee of the Red Cross (ICRC), in collaboration with the Mexican and Central American National Societies, provides free assistance to migrants (in transit or returned) who have suffered major illnesses or injuries during their journey (including amputations, spinal cord injuries, etc.). They offer the following services: (1) donation of prostheses (before physical rehabilitation), (2) osteosynthesis materials, wheelchairs and crutches, (3) ambulance transfers, (4) referral to rehabilitation and medical care centres in Mexico and Central America, and (5) reestablishment of family links when necessary.[63]

Sri Lanka has implemented programmes addressed to returnees in the areas of education, social security, housing, employment and psychosocial assistance.[64]

Mali has implemented measures aimed at the economic reintegration of returnees, such as the creation of an information desk and an agreement with two banks.[65]

Ecuador Organic Law on Human Mobility sets out the rights that Ecuadorian returning migrants enjoy, including the right to information on return, social and economic inclusion, education, vocational training, recognition of educational qualifications and skills, transfer of educational achievements, and retirement benefits.[66]

Caritas Ukraine has implemented several projects aimed at sustainable reintegration after return, based on the following principles: individual approach; building of trustful relations; regular contacts with returnees.[67]

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[62] Centre for Care for the Returned Migrant (CAMR), Honduras, on the *IFRC Smart Practices database*, http://media.ifrc.org/global-review-on-migration/smart-practice/centre-for-care-for-the-returned-migrant-camr-honduras/.

[63] Assistance to migrants with physical disabilities, Mexico and Central America, on the *IFRC Smart Practices database*, http://media.ifrc.org/global-review-on-migration/smart-practice/assistance-to-migrants-with-physical-disabilities-mexico-and-central-america/.

[64] Sri Lanka's s submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[65] Mali's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[66] Ecuador, Ley Organica de Movilidad Humana, Articles 27-37.

[67] Caritas Ukraine's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

Principle 6: Returns
Ensure that all returns are only carried out in full respect for the human rights of migrants and in accordance with international law, including upholding the principle of non-refoulement, the prohibition of arbitrary or collective expulsions and the right to seek asylum

Post-return monitoring is carried out by local NGOs in Uganda for unaccompanied or separated children returning from Norway and in the Democratic Republic of Congo for unaccompanied or separated children returning from Belgium. This includes, in some instances, post-return support for families.[68]

The International Refugee Rights Initiative has established a Post-Deportation Monitoring Network that connects lawyers and organizations working in deporting and receiving countries.[69] Among these organizations, ANAFE has put in place a monitoring system for individuals who are returned after decisions of non-admission at French borders.[70] The Refugee Law Project in Uganda runs a post-deportation project and offers a number of services to people who are deported to Uganda.[71] The Refugee Support Network's Youth on the Move project, through a Kabul-based Monitoring Officer, tracked well-being, education and employment outcomes for young Afghans who have been forcibly removed to Afghanistan after turning 18.[72] The Edmund Rice Centre sends teams of researchers to follow up on returned failed asylum seekers deported from Australia.[73]

UN-Women has supported paralegal training for organisations that support returnee women migrant workers in Nepal and that deal with cases of labour rights violations and violence against women.[74]

In Romania, the General Inspectorate grants tolerated status and issues a document to persons who cannot leave the Romanian territory but who would not otherwise have a legal basis to remain. Tolerated status is granted for an initial period of six months, renewable for further six-month periods until the reasons for toleration cease to exist. At that time, the individual is required to depart the country. Individuals holding a tolerated status document have the right to work. They are required to report regularly to a territorial unit of the General Inspectorate and to reside in a particular geographical area. They must obtain approval to travel outside of this area and must notify authorities of any changes to their place of residence.[75]

Under Turkey's Law on Foreigners and International Protection (LFIP, 2014), humanitarian residence permits are issues to individuals who are at risk of torture/ill-treatment if expelled; are unable to travel due to poor health, age or pregnancy; require medical treatment that cannot be obtained in the country of origin or return; or are undergoing treatment due to serious psychological, physical or sexual violence, from deportation orders and, therefore, detention. These permits can also be issued to individuals for whom a deportation order has been issued but who cannot be deported (e.g. because their country of origin refuses to accept their return). Permit holders may be required to reside at designated reception and accommodation centres and to report to authorities at specified periods. The permit includes a foreigner identification number, which is used to access health care, education and legal services.[76]

[68] UNHCR and UNICEF, *Safe and Sound: What States can do to Ensure Respect for the Best Interests of Unaccompanied and Separated Children in Europe*, 2014, p. 49.

[69] http://www.refugeelegalaidinformation.org/post-deportation-monitoring.

[70] http://www.anafe.org/spip.php?mot11.

[71] http://www.fmreview.org/resettlement/onyoin.html.

[72] http://www.refugeesupportnetwork.org/resources/after-return.

[73] http://www.refugeelegalaidinformation.org/australia-post-deportation-monitoring.

[74] General Assembly, Violence against women migrant workers: Report of the Secretary-General, A/68/178, 23 July 2013, para. 59.

[75] Tolerated status is granted to persons satisfying the criteria laid out in Article 99 of Romania's Emergency Ordinance 194/2002 on alien's regime in Romania. European Migration Network, *The Use of Detention and Alternatives to Detention in the Context of Immigration Policies: Synthesis Report for the EMN Focused*

Principle 7: Violence
Protect migrants from all forms of violence and exploitation, whether inflicted by institutions or officials, or by private individuals, entities or groups

Cambodia, China, Jamaica, Japan, Namibia, Norway, Peru, Qatar, Singapore and Sweden have reported on provisions of their penal codes that address violence against all women, including migrant workers. Some States have introduced legislation, articles or penalties that respond specifically to violence against migrant workers; Singapore has introduced a specific penalty for abuse of foreign domestic workers.[77] Bosnia and Herzegovina, Cambodia, Greece, Italy, Jamaica, Peru and Namibia have reported on the adoption of national policies and strategies to combat violence against women and children that respond to migrant women.[78]

The Swedish Trade Union Centre for Undocumented Migrants was created in 2008 by a number of Swedish trade union organisations, together with an organisation promoting the rights of undocumented migrants. The objectives of the centre are to inform undocumented migrants about their rights in the labour market and represent them vis-à-vis their employers in any proceedings if they so wish. In addition to the network of trade union organisations, the centre consists of a centre, open one afternoon and evening every week and staffed by trade union ombudsmen and officials from the participating organisations. It also provides a phone service giving information and helping irregular migrants get in contact with a trade union.[79]

Resource: *The Guidelines to prevent abusive recruitment, exploitative employment and trafficking of migrant workers in the Baltic Sea Region* were designed by the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) to respond to challenges in effective cross-border cooperation and prevent the abuse of workers' rights. The guidelines are available in English, Estonian, Finnish, Lithuanian and Swedish.[80]

Resource: The publication '*EU anti-trafficking action 2012-2016 at a glance*' provides an overview of the work carried out in the past five years on the basis of the EU legal and policy framework to address trafficking in human beings (Directive 2011/36/EU and the EU Strategy towards the eradication of trafficking in human beings 2012-2016). The publication includes, amongst other relevant references: a) Handbook on Guardianship systems for children deprived of parental care in the European Union, with a particular focus on their role in responding to child trafficking; b) The Guidelines for the identification of victims of trafficking in human beings, especially for consular services and border guards; c) The EUROFUND report *Regulation of Labour Market Intermediaries and the Role of Social Partners in Preventing Trafficking of Labour*.[81]

Study 2014. European Commission. 34; International Detention Coalition (IDC), *Hosting transit migrants*, submission to the Office of the High Commissioner for Human Rights for the *report Situation of migrants in transit*, *available* at http://www.ohchr.org/EN/Issues/Migration/Pages/Studymigrantsintransit.aspx.

[76] International Detention Coalition (IDC), *Hosting transit migrants*, Submission on 'migrants in transit' to the Office of the High Commissioner for Human Rights, *available* at http://www.ohchr.org/EN/Issues/Migration/Pages/Studymigrantsintransit.aspx.

[77] General Assembly, Violence against women migrant workers: Report of the Secretary-General, A/70/205, 27 July 2015, para. 32.

[78] General Assembly, Violence against women migrant workers: Report of the Secretary-General, A/70/205, 27 July 2015, para. 37.

[79] European Union Agency for Fundamental Rights (FRA), *Severe labour exploitation: workers moving within or into the European Union — States' obligations and victims' rights*, FRA 2015, p. 85; Solidar, *Undocumented migrants: equal access to labour and social rights?*, Decent work for all: A key for effective industrial relations briefing on the situation in Sweden, 2014, http://www.solidar.all2all.org/IMG/pdf/20_solidar_brochsweden_light.pdf.

[80] Liliana Sorrentino and Anniina Jokinen, *Guidelines to prevent abusive recruitment, exploitative employment and trafficking of migrant workers in the Baltic Sea region*, European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), 2014, available at http://www.cbss.org/wp-content/uploads/2012/11/ADSTRINGO-Guidelines.pdf; European Union Agency for Fundamental Rights (FRA), *Severe labour exploitation: workers moving within or into the European Union — States' obligations and victims' rights*, FRA 2015, p. 57.

[81] European Union's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28). The publication is available at https://ec.europa.eu/anti-trafficking/publications/eu-anti-trafficking-action-2012-2016-glance_en.

Caritas Bangladesh works on the prevention of trafficking at the community level, for instance building the capacity and raising the awareness of community based organizations' leaders and creating local Migrants Sub-Committee, which are playing a watchdog role in combating human trafficking.[82]

Following the money trail to detect and investigate human trafficking is proving to be an effective strategy to identify potential victims. Launched in early 2016, Project PROTECT, a public-private sector initiative has gathered the major Canadian banks, the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) and law enforcement to support the identification and reporting of financial transactions suspected of being related to human trafficking.[83]

In New Zealand, employers who exploit migrants can be imprisoned for up to 7 years and/or fined up to $100,000. The New Zealand Government has developed an approach to reassure migrants that they will not be disadvantaged by coming forward to relevant agencies with any genuine claims of workplace exploitation. Immigration New Zealand has developed resources specifically targeted at migrant groups and sectors in which migrants have been identified as vulnerable to workforce exploitation, including international students, Pacific migrants and those working in the dairy farming, construction, or aged care sector. To achieve the outcomes set Migrant Exploitation Prevention Strategy, government agencies continue to progress a wide ranging programme of work to address exploitation and trafficking in New Zealand. The result has been an integrated Government-wide view of the work priorities needed to prevent, detect, and combat trafficking and exploitation.[84]

Several EU Member States reported the possibility of referring victims of gender-based violence to specialised women's shelters, providing immediate and safe accommodation to female victims of violence and their children, such as Austria, Greece, Germany, Italy, Hungary and Sweden. In Hungary, there is one special accommodation available for victims of sexual violence, torture or rape at the protected shelter in Kiskunhalas. In Sweden, the Swedish Migration Agency must offer safe housing for all persons who are victims of violence or threats of violence.[85]

In Greece, the National Centre for Social Solidarity (EKKA) is a State Organization under the supervision and monitoring of the Ministry of Labor, Social Security & Social Solidarity. It is funded solely by the State. EKKA offers protection and psychosocial support to victims of violence, mainly domestic violence and trafficking. The services provided to victims, according to their individualized needs, are: shelter to women victims; counselling/ psychotherapy; social support; material assistance; mediation to health care, legal counselling and representation, issuing of residence permit; integration activities; repatriation procedure; translation services. EKKA manages one emergency shelter in Attica for women and girls victims of violence, as well as two short-term shelters in Attica and Thessaloniki (part of which operates also as an emergency shelter for the region).[86]

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[82] Caritas Bangladesh's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[83] Canada's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[84] New Zealand's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[85] European Union Agency for Fundamental Rights, Thematic focus: Gender-based violence, http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/focus-gender-based-violence.

[86] Greece's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

Principle 7: Violence
Protect migrants from all forms of violence and exploitation, whether inflicted by institutions or officials, or by private individuals, entities or groups

In Greece, the "National Program for the Prevention and Combating Violence against Women" has established a network against violence made up of 62 state structures: the SOS telephone helpline 15900, forty Counseling Centers and twenty-one shelters in operation throughout the country. These services are dedicated to all forms of gender based violence against women and support the special needs of people with physical disabilities.[87]

Several States (Bosnia and Herzegovina, Germany, Greece, Jamaica, Norway, Paraguay, Peru, the Philippines, Qatar, Singapore and the United Arab Emirates) have reported that they had put into place services and mechanisms to protect migrant women survivors of violence, including making information services available. Such services took the form of multilingual telephone hotlines and e-mail addresses and the provision of information on shelters, dormitories, legal aid, health services, compensation and redress. Certain States (Bosnia and Herzegovina, Germany, the Philippines and Singapore) highlighted the importance of establishing partnerships with non-State actors in the provision of those services. Germany, Greece and the Philippines reported on the effectiveness of the results of their service provision.[88]

The Argentinian National Council for Women (*Consejo Nacional de las Mujeres*), which is in charge of the implementation of the National Plan for the Prevention, Assistance and Eradication of Violence against Women, manage an hotline for women victims of violence.[89]

The Government of the former Yugoslav Republic of Macedonia adopted in February 2017 "*Standard Operating Procedures for the prevention and addressing gender based violence during emergency and crisis situations*" (GBV SOPs), as part of wider National Preparedness and Response Plan of the Health Sector in Emergencies. The GBV SOPs are first of this kind in the country and were developed in a coordinated multi-sectorial effort of UN offices, governmental institutions, civil society, under the leadership of the Ministry of Health. Beside them, the Government, supported by the UNFPA, also approved a Protocol for sexual and reproductive health services in mobile clinics, Action Plan for 2016 coordination of SRH in crisis and related ToRs defining relevant actors' roles and responsibilities.[90]

The Texas Association Against Sexual Violence (TAASA) has produced a Guidebook for Immigrant Victims, outlining their rights, access to remedies and agencies, associations and resources for service provision.[91]

The LGBT group "Fliederlich" in Germany opened the first shelter for LGBT migrants in Nuremberg, at the request of a number of LGBT migrants who felt threatened in the shelters where were accommodated. There were also plans to open a larger shelter in Berlin.[92]

Greece has established a gender-sensitive counselling methodology for interaction of lawyers, social workers and psychologists with migrant women who have been victims of abuse.[93]

[87] Greece's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[88] General Assembly, Violence against women migrant workers: Report of the Secretary-General, A/70/205, 27 July 2015, para. 47, available at http://evaw-un-inventory.unwomen.org/fr/intl-policy-framework/general-assembly-of-the-united-nations.

[89] Argentina's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[90] Information submitted by the Office of the UN Resident Coordinator in Macedonia.

[91] Texas Association Against Sexual Assault, Guidebook for Immigrant Victims (Austin, 2006), available from www.taasa.org/publications/pdfs/ImmigrationViolenceGB.pdf, quoted in UNODC, *Combating violence against migrants: Criminal justice measures to prevent, investigate, prosecute and punish violence against migrants, migrant workers and their families and to protect victims*, 2015.

Principle 7: Violence
Protect migrants from all forms of violence and exploitation, whether inflicted by institutions or officials, or by private individuals, entities or groups

Resources: UNFPA, *Minimum Standards for Prevention and Response to Gender-based Violence in Emergencies*; Inter-Agency Standing Committee, *Guidelines for Integrating Gender Based Violence Interventions in Humanitarian Action*; Interagency Working Group (IAWG) on Reproductive Health in Crises, *Minimum Initial Service Package (MISP) for Reproductive Health in Crisis Situations*.

On 18 December 2015, International Migrants Day, Mexico's Attorney General's Office (*Procuraduría General de la República*, PGR) formally established two bodies to investigate crimes committed against or by migrants in Mexico, as well as cases of Mexicans who have disappeared in other countries. These two bodies are the Unit for the Investigation of Crimes for Migrants (*Unidad de Investigación de Delitos para Personas Migrantes*, the "Unit") and the Mechanism for Mexican Foreign Support in the Search and Investigation (*Mecanismo de Apoyo Exterior Mexicano de Búsqueda e Investigación*, the "Mechanism").[94]

In Amsterdam, the anti-discrimination unit of the police has started the "Veilige Aangifte" (Safe Return) initiative in which they inform undocumented migrants about their rights, and enable them to report crimes in secure way. Their "free in, free out" approach allows migrants to report crimes without fear of arrest. The unit visits the migrant support centre Wereldhuis once a month to meet with a group of undocumented migrants, and answer queries on key thematic issues such as lodging a complaint, getting a protection order, and taking a case to court.[95]

Principle 8: Detention
Uphold the right of migrants to liberty and prohibition of arbitrary detention through making targeted efforts to end immigration detention of migrants. Never detain children on account of their migration status or that of their parents

The International Detention Coalition has developed the Community Assessment and Placement (CAP) model, which is a tool for governments, civil society and other stakeholders to build systems that ensure detention is only used as a last resort and that community options result in optimal outcomes. The CAP model combines the overarching principles of liberty (presumption against detention) and minimum standards with three key steps: 1) identification and decision making; 2) placements options; 3) case management.[96]

[92] Parliamentary Assembly of the Council of Europe, Committee on Migration, Refugees and Displaced Persons, Rapporteur: Mr. Andrea RIGONI, Italy, ALDE: Violence against migrants, Doc. 13444, Reference 4040 of 11 April 2014, para. 38, http://website-pace.net/documents/10643/2031071/Rapport-Rigoni-EN.pdf/2d8af712-597a-4c34-972d-ce35b91a39ef.

[93] General Assembly, Violence against women migrant workers: Report of the Secretary-General, A/68/178, 23 July 2013, para. 36.

[94] Mexico submission to OHCHR for the GA report, and Maureen Meyer and Ximena Suarez-Enriquez, New Institutions in Mexico Could Expand Justice for Migrants, *WOLA*, 3 May 2016, available at https://www.wola.org/analysis/new-institutions-in-mexico-could-expand-justice-for-migrants/. See Agreement A/117/15 on the Crimes Investigation Unit for Persons Migrants and Mexican Foreign Support Mechanism Search and Research, available at http://www.dof.gob.mx/nota_detalle.php?codigo=5420681&fecha=18/12/2015.

[95] Platform for International Cooperation on Undocumented Migrants, *Strategies to End Double Violence against Undocumented Women: Protecting Rights and Ensuring Justice*, PICUM 2012, p. 114.

[96] International Detention Coalition, *There are alternatives*, 2015, available at: http://idcoalition.org/publication/there-are-alternatives-revised-edition/.

Principle 8: Detention
Uphold the right of migrants to liberty and prohibition of arbitrary detention through making targeted efforts to end immigration detention of migrants. Never detain children on account of their migration status or that of their parents

Alternatives to detention in law, policy or practice have been documented in states including New Zealand, Venezuela, Japan, Switzerland, Lithuania, Denmark, Finland, Norway, Sweden, Austria, Germany, and Canada.[97]

Lithuanian law contains a list of alternatives to detention, including: periodic reporting to the territorial police office at a reporting frequency decided by the court; trusting the foreigner to the guardianship of a citizen or a foreigner legally residing in the country; or reporting about her place of stay by means of communication at certain times to the territorial police office.[98]

All European Union countries, except for Cyprus and Malta, have legislated that alternatives to detention must be pursued prior to any decision for detention. The 2004 immigration law of the Bolivarian Republic of Venezuela prohibits detention and provides several alternatives that may be adopted within a deportation procedure, including reporting regularly to the competent authority, settling in a given locality during the administrative procedure and providing a financial security guarantee (for which the migrant's economic condition must be taken into account).[99]

The Canadian Border Services Agency (CBSA) is required by law to consider all reasonable alternatives before detention, which is a measure of last resort.[100]

In Slovenia, third country nationals subject to a deportation order may be required to report to the nearest police station instead of being placed in detention. Individuals are usually required to report once per month.[101]

Austria has established in law that alternatives must first be considered or applied before a decision to detain is made.[102] The *Aliens Police Act* stipulates that individuals shall be provided with an alternative to detention if the grounds for detention are present and the purpose of detention can be achieved by their provision.[103] The law establishes conditions that can be imposed as an alternative to detention including residing at a particular address determined by the authority; reporting periodically to the police station.

Poland has passed legislation providing for a mandate to consider alternatives to immigration detention.[104] Article 398 of the New Act on Foreigners provides for the Polish Border Guard authority to apply any one or more of the following conditions: 1) Reporting at specified intervals to the Polish Border Guard; 2) Lodging a security deposit, no lower than twice the amount of the minimum wage stipulated by minimum wage law; 3) Surrendering of travel documents; 4) Directed residence at a location specified by the authorities.

Section 315 of the New Zealand Immigration Act 2009 outlines specific conditions that may be applied to a person who would otherwise be subject to detention, including reporting, guarantors, and undertaking actions towards case resolution.[105]

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[97] International Detention Coalition and La Trobe Refugee Research Centre, *There are Alternatives: A handbook for preventing unnecessary immigration detention*, IDC 2011, p. 22.

[98] P. De Bruycker (Ed.), *Alternatives to Immigration and Asylum Detention in the EU: Time for Implementation*, Odysseus Network, 2015, Annex I.

[99] General Assembly, Promotion and protection of human rights, including ways and means to promote the human rights of migrants: Report of the Secretary-General, A/68/292, 9 August 2013, para. 79, available at http://ap.ohchr.org/documents/alldocs.aspx?doc_id=22380.

[100] Canada's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[101] International Detention Coalition (IDC), *Hosting transit migrants*, Submission on 'migrants in transit' to the Office of the High Commissioner for Human Rights, available at http://www.ohchr.org/EN/Issues/Migration/Pages/Studymigrantsintransit.aspx.

Principle 8: Detention
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Article 107 of Mexico's Migration Law lists specific standards that must be ensured in immigration detention, including: medical, psychological and legal aid (para. 1); adequate food, including three meals a day of sufficient quality. Meals should meet the special needs of children, adolescents, the elderly, pregnant or breastfeeding women, persons with specific health conditions, and other vulnerable people, and respect religious traditions (para. 2); separate facilities for men and women. Children should join their mothers or fathers or other persons accompanying them, except if this is not in the children's best interest (para. 3); adequate space; accommodation should not be overcrowded (para. 6); recreational, sports and cultural facilities (para. 7).[106]

In Mexico, the Mexican Regulation (Reglamento) for the Law on the Rights of Children and Adolescents prohibit the immigration detention of children, regardless of whether they are accompanied or not by an adult. (Article 111, 2 December 2015).[107]

In 2008, Panama introduced a law prohibiting the detention of child migrants.[108]

Article 47 of the Costa Rica's Refugee Regulation (No. 36831-G) prohibits the detention of all children regardless of whether they are accompanied, unaccompanied or separated.[109]

The Irish *International Protection Act 2015* states that a person who has not yet reached the age of 18 may not be detained in immigration detention centres. Specifically, Part 3, Section 20, Subsections (1)-(5) of the Act outline the grounds for detention of foreigners in the Republic of Ireland. Subsection (6) states that: *[detention] shall not apply to a person who has not attained the age of 18 years*.[110]

In the UK, the Family Returns Process has reduced the detention of family with children, with 97% of the 1470 families who left the country in 2014-16 leaving the UK without enforcement action or detention. The Independent Family Returns Panel ascribes the improved rates of non-enforced return to improved engagement and dialogue with families involving a "Family Engagement Manager" (FEM), noting that the FEM role helps families to understand the process and prepare for a return both practically and psychologically".[111]

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102 International Detention Coalition, *There are alternatives: A handbook for preventing unnecessary immigration detention (Revised)*. Melbourne, IDC 2015, p. 20, available at http://idcoalition.org/publication/there-are-alternatives-revised-edition/.

103 Federal Act on the Exercise of Aliens' Police, the Issue of Documents for Aliens and the Granting of Entry Permits (2005 Aliens' Police Act — Fremdenpolizeigesetz 2005), Article 77, paragraph 1 and 3.

104 International Detention Coalition, *There are alternatives: A handbook for preventing unnecessary immigration detention (Revised)*. Melbourne, IDC 2015, p. 20, available at http://idcoalition.org/publication/there-are-alternatives-revised-edition/.

105 International Detention Coalition, *There are alternatives: A handbook for preventing unnecessary immigration detention (Revised)*. Melbourne, IDC 2015, p. 20, available at http://idcoalition.org/publication/there-are-alternatives-revised-edition/.

106 Mexico's Immigration Law, Article 107 (DOF 21-04-2016). Available at http://www.google.ch/url?url=http://sre.gob.mx/component/phocadownload/category/2-marco-normativo%3Fdownload%3D294:ley-de-migracion-dof-25-05-.

107 México, Reglamento de la Ley General de los Derechos de Niñas, Niños y Adolescentes, 2 Decembre 2015, art. 111, available at http://www.diputados.gob.mx/LeyesBiblio/regley/Reg_LGDNNA.pdf.

108 General Assembly, Status of the Convention on the Rights of the Child: Report of the Secretary-General, A/71/413, 27 September 2016, para. 40; International Detention Coalition, *There are alternatives: A handbook for preventing unnecessary immigration detention (Revised)*. Melbourne, IDC 2015, pp. 24.

Principle 8: Detention
Uphold the right of migrants to liberty and prohibition of arbitrary detention through making targeted efforts to end immigration detention of migrants. Never detain children on account of their migration status or that of their parents

At the global level, the Global Campaign to End Immigration Detention of Children was launched in 2012 to draw attention to the detrimental effects that immigration detention has on children, and to encourage states to cease the immigration detention of children consistent with their obligations under the Convention on the Rights of the Child. The Campaign coordinates international, regional and national activities urging states to adopt alternatives to detention that fulfil the best interests of the child and allow children to remain with their family members and/or guardians in non-custodial, community-based contexts while their immigration status is being resolved.[112]

Under the Turkey's Law on Foreigners and International Protection (LFIP, 2014) detention is prohibited for unaccompanied children seeking international protection, trafficked persons, international protection status holders, international protection applicants (except in set circumstances) and stateless individuals. The LFIP also exempts individuals who are at risk of torture/ill-treatment if expelled; are unable to travel due to poor health, age or pregnancy; require medical treatment that cannot be obtained in the country of origin or return; or are undergoing treatment due to serious psychological, physical or sexual violence, from deportation orders and, therefore, detention. Such individuals are issued with humanitarian residence permits (with specific permits for trafficked persons). [113] Unaccompanied children are placed "by the Ministry of Family and Social Policies in suitable accommodation facilities, in the care of their adult relatives, or in the care of a foster family, upon taking into account the opinion of the unaccompanied minor." If they are over 16 they can be placed in reception centres.[114]

In March 2007, New Zealand ratified Optional Protocol to the Convention against Torture to allow visits by the Subcommittee on Prevention and the National Preventive Mechanism. The Office of the Ombudsman has been designated as the National Preventive Mechanism for immigration detention facilities.[115]

In relation to immigration detention, some States have ensured that independent and regular detention monitoring is conducted at the national level. For example, such monitoring has been conducted by the national human rights institutions of Fiji, Honduras, Mali, Mauritius, Mexico, Nicaragua, Nigeria, South Africa, Switzerland and Uganda, and the ombudsmen and independent commissions of Ecuador, Hungary, the former Yugoslav Republic of Macedonia, Maldives, Montenegro, the Netherlands, New Zealand, Poland, the Republic of Moldova, Senegal, Serbia, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland.[116]

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[109] Center for Gender & Refugee Studies, University of California Hastings College of the Law, *Review of Gender, Child, and LGBTI Asylum Guidelines and Case Law in Foreign Jurisdiction*, May 2014, pag. 19, available at http://www.refworld.org/pdfid/54fd6f204.pdf. The Refugee Regulation is available at: http://www.acnur.org/t3/fileadmin/Documentos/BDL/2011/8171.pdf.

[110] International Protection Act 2015 (Ireland).

[111] Save the Children's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[112] See http://endchilddetention.org/ The full list of supporters is at http://endchilddetention.org/support-2/.

[113] International Detention Coalition (IDC), *Hosting transit migrants*, Submission on 'migrants in transit' to the Office of the High Commissioner for Human Rights, available at http://www.ohchr.org/EN/Issues/Migration/Pages/Studymigrantsintransit.aspx.

[114] International Detention Coalition's submission to OHCHR on the GMG Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations.

[115] New Zealand Human Rights Commission, Monitoring Place of Detention, Annual report of activities under the Optional Protocol to the Convention against Torture (OPCAT), 2015, pag. 26, 43, available at: https://www.hrc.co.nz/files/6814/4971/3990/Monitoring__Places_of_Detention_final_2015.pdf.

Principle 8: Detention
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Resource: The UN Refugee Agency (UNHCR), the Association for the Prevention of Torture (APT) and the International Detention Coalition (IDC) have jointly produced a Monitoring Immigration Detention Manual that provides a step-by-step guide for institutions and organizations carrying out immigration detention monitoring. It can also be used by authorities, detention centre staff and journalists, as a checklist of the standards that must be applied when migrants are detained.[117]

Principle V of the Inter-American Commission of Human Rights, *Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas* (2008) states that "Persons deprived of liberty in a member State of the Organization of American States of which they are not nationals, shall be informed, without delay, and in any case before they make any statement to the competent authorities, of their right to consular or diplomatic assistance, and to request that consular or diplomatic authorities be notified of their deprivation of liberty immediately. Furthermore, they shall have the right to communicate with their diplomatic and consular authorities freely and in private."[118]

Principle 9: Family unity
Ensure the widest protection of the family unity of migrants, facilitating family reunification, and preventing arbitrary or unlawful interference in the right of migrants to the enjoyment of private and family life

In Serbia, Save the Children runs rapid family reunifications of children accidently separated from their families during transit periods.[119]

Save the Children has helped set up bilateral coordination working groups which consist of government and non-governmental actors from both sides of the borders between Mozambique, South Africa and Zimbabwe. One of the tasks for the groups has been to work to improve protocols and guidelines for family tracing and reunification and for the provision of psychosocial support both for children in shelters and for those who have recently returned to their families.[120]

[116] General Assembly, Promotion and protection of human rights, including ways and means to promote the human rights of migrants: Report of the Secretary-General, A/68/292, 9 August 2013, para. 89.

[117] Association for the Prevention of Torture (APT) and United Nations High Commissioner for Refugees (UNHCR), *Monitoring Immigration Detention: Practical Manual*, 2014.

[118] Inter-American Commission of Human Rights, *Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas* (2008), available at http://www.cidh.org/Basicos/English/Basic21.a.Principles%20and%20Best%20Practices%20PDL.htm.

[119] Save the Children, *Submission for the Office of the High Commissioner for Human Rights (OHCHR) report on migrants in transit (A/HRC/RES/29/2)*, November 2015, p. 4.

[120] Save the Children, *Submission for the Office of the High Commissioner for Human Rights (OHCHR) report on migrants in transit (A/HRC/RES/29/2)*, November 2015, p. 6.

Principle 9: Family unity
Ensure the widest protection of the family unity of migrants, facilitating family reunification, and preventing arbitrary or unlawful interference in the right of migrants to the enjoyment of private and family life

Tracing tools help reconnect families who have lost contact as a consequence of migration. The 'Snapshot' programme, run by the ICRC and the National Red Cross and Red Crescent Societies of Ethiopia, Kenya, South Sudan and Uganda, helps people find missing relatives by having their own photos published in booklets that are circulated in camps and communities. If a family member recognizes the photo of a relative and the relationship can be confirmed by the National Society, contact can be restored by means of phone calls or National Society messages. The photos are also published online on familylinks.icrc.org in order to reach a global audience.[121]

In Somalia, the ICRC, in cooperation with the BBC, broadcasts the names of missing Somalis at the request of their families on the 'Missing persons' radio programme six times a week. In cooperation with the Somali Red Crescent Society, the ICRC maintains a list of people whose names have been broadcast and for whom tracing requests have been opened by the Red Cross Red Crescent network. This list is also available online on familylinks.icrc.org.[122]

With the assistance of the United Nations Children's Fund, the South African Department of Social Development and the Zimbabwean Ministry of Public Service, Labour and Social Development have developed draft standard operating procedures for the tracing, reunification or alternative care placement of both unaccompanied and separated children.[123]

In Belgium, a specialized unit for unaccompanied children has been established in the Immigration Office, with the responsibility to grant residence documentation, conduct family searches and ensure that any family reunification is in the best interest of the child. In addition, specialized centres have been developed for unaccompanied minors.[124]

In Chile, civil unions made abroad are recognized for the purpose of obtaining residence permits without distinguishing the sex of the parties to recognize the validity of the bond.[125]

[121] IFRC, Smart practices that enhance the resilience of migrants, available at: http://media.ifrc.org/global-review-on-migration/smart-practice/snapshot-programme-and-missing-persons-radio-programme-east-africa/.

[122] IFRC, Smart practices that enhance the resilience of migrants, available at: http://media.ifrc.org/global-review-on-migration/smart-practice/snapshot-programme-and-missing-persons-radio-programme-east-africa/.

[123] General Assembly, Promotion and protection of human rights, including ways and means to promote the human rights of migrants: Report of the Secretary-General, A/68/292, 9 August 2013, para. 47.

[124] General Assembly, Promotion and protection of human rights, including ways and means to promote the human rights of migrants: Report of the Secretary-General, A/68/292, 9 August 2013, para. 60.

[125] Chile's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

The Constitutional Court of Spain has upheld the right of the child to be heard in the context of unaccompanied children facing repatriation or deportation.[126]

The regional Mixed Migration Secretariat (RMMS) and Save the Children has highlighted that for child migrants peer-to-peer approaches may be effective in communicating self-protection strategies and information about migration risks, and identifying children at risk of exploitation.[127]

Resource: The Recommended Principles to guide actions concerning children on the move and other children affected by migration were developed at an expert meeting in Geneva in May 2016 that included participants from OHCHR, UNHCR, IOM, UNICEF, International Detention Coalition, Save the Children, Terre des Hommes, International Catholic Migration Commission, Destination Unknown Campaign, Caritas, PICUM and Service Social International. They have been endorsed by the UN Committee on the Rights of Migrant Workers and Members of their Families.[128]

Save the Children has developed a best interests determination toolkit to improve the best interests determination process for unaccompanied children on the move in South Africa. Developed within the South African legal and policy frameworks, the toolkit is aimed at field practitioners who manage the identification, documentation, tracing and reunification processes in the country and is designed to ensure children's involvement and take into consideration the range of factors that have contributed to the migratory experience of the child.[129]

The Belgian National Human Rights Institution Myria developed a checklist for practitioners, civil servants and judges to assess if the best interest of the migrant child is duly taken into account in all decisions that concern them. The checklist is based on human standards.[130]

Save the Children has developed a Mobility Assessment Tool (MAT) for children on the move. The MAT is a data collection tool that gathers information about children's reasons for migration, travel plans, needs while in transit, destinations, coping mechanisms, and suggestions of required services. The tool aims to collect evidence of the different protection needs and opportunities in each context and help design key protection intervention throughout the journey.[131]

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[126] Case No. 183/2008 of 22 December 2008, as cited in Human Rights Council, *Study of the OHCHR on Challenges and Best Practices in the Implementation of the International Framework for the Protection of the Rights of the Child in the Context of Migration*, A/HRC/15/29, 5 July 2010, para. 83.

[127] Regional Mixed Migration Secretariat (RMMS) and Save the Children, *Young and on the Move: children and youth in mixed migration flows within and from the Horn of Africa*, RMMS, September 2016, at p. 72, available at http://www.regionalmms.org/images/ResearchInitiatives/Young%20and%20on%20the%20Move%20Sep%202016.pdf.

[128] *Recommended principles to guide actions concerning children on the move and other children affected by migration*, June 2016, available at http://destination-unknown.org/wp-content/uploads/160601-recommended-principle-UN-corr-HD.pdf. For background on the principles, see http://destination-unknown.org/principles-to-guide-actions/.

[129] Save the Children UK South Africa Programme, Best Interest Determination for Children on the Move: a Toolkit for Decision Making, September 2010. Available at https://resourcecentre.savethechildren.net/sites/default/files/documents/3829.pdf.

[130] The checklist is available at: https://pool.cmbelgium.be/sites/default/files/publications/myria_migration-rapport_2015-lr.pdf.

[131] Daniela Reale, Protecting and Supporting Children on the Move: Translating Principles into Practice, in *Children on the Move*, International Organization for Migration (IOM), 2013, pp. 63-80.

UNHCR and UNICEF set up special support centres for children and families along the most frequently used migration routes in Europe. The "Blue Dot" child and family support hubs provide a safe space for children and their families, including services, recreational activities, protection and counselling in a single location. They play a key role in identifying unaccompanied and separated children and providing the protection they need.[152]

Near Gevgelija town, in the former Yugoslav Republic of Macedonia at the border with Greece, UNICEF has established a child-friendly space within the compounds of the migrant rest area established by UNHCR able to support 50 children at one time. This is a safe place for children to rest and play while families complete registration procedures. UNICEF's mobile team is able to screen children, and to identify and refer those who are in need of specialized protection services. A mobile team from LaStrada, a local NGO, assists in the reunification of children with their families and provides psychosocial support and early childhood development services to children.[153]

In South Africa, unaccompanied migrant children are assigned a social worker, who can refer them to the Children's Court to make an alternative care order.[154]

Resources: Child Protection Working Group, *Minimum Standards for child protection in humanitarian action*; UNHCR, *A Framework for the Protection of Children*.[155]

Outreach to unaccompanied migrant children increases their protection against violence, abuse, exploitation and ensure their access to information and essential services. Save the Children reported that in Greece and Italy drop-in centres were set up. They reach unaccompanied children where they gather or live to invite them to visit the centre for more detailed information, counselling and assistance, stressing the service does not require identification or registration with the authorities. The NGO has seen a high number of unaccompanied children registered at the drop-in centres as a result, which helps to reduce the disappearances of children from reception centres and other temporary accommodations.[156]

In March 2017, the Italian Parliament passed the Provision of Protection for Unaccompanied Foreigner Minors Law, which enhances support and protection for unaccompanied and separated children arriving in the country. Along with an absolute prohibition on refoulement, the law incorporates the establishment of a structured national reception system, with minimum standards in all reception facilities, education and health rights for all unaccompanied and separated children, the right to be heard in administrative and judicial proceedings, including in the absence of a guardian, and the right to legal assistance.[157]

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[152] UNHCR, UNICEF launch Blue Dot hubs to boost protection for children and families on the move across Europe, 26 February 2016, http://www.unhcr.org/en-us/news/press/2016/2/56d011a79.html; unicef-launch-blue-dot-hubs-boost-protection-children-families-move.html.

[153] UNICEF, UNICEF supports children fleeing violence and on the move in Europe, 25 August 2015, http://www.unicef.org/media/media_82979.html.

[154] General Assembly, Status of the Convention on the Rights of the Child: Report of the Secretary-General, A/71/413, 27 September 2016, para. 32, citing National Department of Social Development, *Guidelines on Services for Separated and Unaccompanied Children outside Their Country of Origin in South Africa* (2009).

[155] Child Protection Working Group (CPWG), *Minimum Standards for child protection in humanitarian action*, 2012, available at http://cpwg.net/minimum_standards-topics/cpms-full-version/; UNHCR, *A Framework for the Protection of Children*, 2012, available at http://www.unhcr.org/50f8cf089.html.

[156] Save the Children, *Submission for the Office of the High Commissioner for Human Rights (OHCHR) report on migrants in transit* (A/HRC/RES/29/2), November 2015, p. 4.

[157] Save the Children's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/1, 29).

The Mexican government, with the support of UNICEF Mexico, have developed the *Protocol for Consular Attention for Unaccompanied Migrant Child and Adolescent* as a tool for consular attention and protection of Mexican unaccompanied migrant children and adolescents. The Protocol sets out a number of steps to establish adequate conditions for the interview and helps to provide comprehensive attention, bearing in mind the situation of each child, in order to identify situations of risk and activate the inter-institutional protection chain.[138]

Ensamkommandes forbund is an organization created in Malmo, Sweden in 2013 by former unaccompanied minors to help them to integrate and find support networks. The organization started informally with a few former unaccompanied minors who wanted a space where they could discuss, take decisions, and make their message heard. The organization has created a friend-matching system, where any member can volunteer to be matched with others in the network. In addition, the organization provides support to unaccompanied minors to advocate for the rights of unaccompanied minors in the asylum process as well as in society in general.[139]

As a way to share good practice, the Belgian NGO *Service droit des jeunes* has created and administered with guardians, an Internet forum on unaccompanied and separated children to encourage networking among guardians, specialized lawyers, and NGOs. The forum is administered by NGOs as well as guardians.[140]

The percentage of registered children is above 90 per cent in all industrialized countries and among some countries in Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS) and Latin America and the Caribbean.[141]

The Netherlands provides for undocumented children's right to birth registration explicitly in law.[142]

In 2009, the Italian government adopted a change in the immigration law, introducing the requirement for a residence permit to be shown to register a birth. On the eve of the law entering into force, and as a result of advocacy efforts, the Ministry of Interior issued a circular clarifying that irregular migrants have the right to register their child at birth: it allows for the mother to be issued a temporary residence permit, valid for six months.[143]

In Thailand, the right to birth registration of children of irregular migrant parents is recognized in the Civil Registration Act (2008). In addition, the 2008 Nationality Act provides for the naturalization of specific categories of persons including children of irregular immigrants born in Thailand before 1992.[144]

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138 Mexico's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28). Other sources: http://www.gfmd.org/pfp/ppd/2237; General Directorate for the Protection of Mexicans Abroad and UNICEF, *Protocol for Consular Attention for unaccompanied child and adolescent migrants*, 2015, http://proteccionconsular.sre.gob.mx/index.php/documentos/protocolonna.

139 Ensamkommandes forbund, Sweden, on the *IFRC Smart Practices database*, http://media.ifrc.org/global-review-on-migration/smart-practice/ensamkommandes-forbund-sweden/.

140 S. Alikhan and M. Floor, Guardianship Provision Systems for Unaccompanied and Separated Children Seeking Asylum in Europe: Initial Mapping, Bureau for Europe, UNHCR (2007), p. 20, https://www.defenceforchildren.nl/images/42/658.pdf.

141 UNICEF, *Every Child's Birth Right: Inequities and trends in birth registration*, UNICEF 2013, available at https://data.unicef.org/wp-content/uploads/2015/12/Birth_Registration_lores_final_24.pdf.

142 PICUM Submission to the Migrant Workers' Committee and Committee on the Rights of the Child Joint General Comment on the Human Rights of Children in the Context of International Migration, 29 February 2016, available at: http://www.ohchr.org/Documents/HRBodies/CMW/JointGC_CRC_CMW/PICUM.pdf.

At the 9th MERCOSUR's Meeting of Ministries and High-Level Authorities of Women's Affairs, a recommendation for mutual recognition, within the region, of protection measures for victims of gender based violence was adopted.[145]

A newly-constructed temporary shelter facility located in Serbia several kilometres from the Hungarian border meets all Sphere standards including private and secure family-only and women-only accommodation, common areas and separate WASH facilities for women and men.[146] In the former Yugoslav Republic of Macedonia, WASH facilities in Gevgelija are made of semi-permanent construction sanitation blocks with wheelchair accessible sex-segregated toilets, sex-segregated showers and hand washing facilities. The facilities are lit at night. There is a separate a mother/baby changing station in the sanitation block which can be accessed by requesting a key from the UNICEF Child Friendly Space nearby.[147]

The camps for Syrian refugees in Turkey have instituted, in partnership with World Food Programme (WFP), a programme enabling Syrian families to purchase pre-approved food items from participating vendors both within camps and in nearby towns and cities. These monthly food stipends are linked to each, individually registered adult in the camps, thereby affording women the same fixed and dedicated resources as their male counterparts.[148]

At Šentilj accommodation centre and Dobova reception centre in Slovenia, health care of pregnant women is available (a mobile medical team providing basic health care is there permanently, and pregnant women are referred to a local health centre if necessary), as well as a private area for women — breastfeeding area, children's corners, family corners, etc. (the Šentilj centre includes an area for family member reunification). Women have separate restrooms and showers and sanitary kits are available.[149]

The Greek General Secretariat for Gender Equality (Ministry of Interior) has issued a guide for migrant women concerning their rights in the areas of work, health and social security. This also helps to sensitize officials and others to the need for equal treatment.[150]

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[143] PICUM, *Rights of Accompanied Children in an Irregular Situation*, Paper prepared by PICUM, Platform for International Cooperation on Undocumented Migrants for UNICEF Brussels Office, November 2011 (draft version), p. 21, available at http://fra.europa.eu/fraWebsite/frc2011/docs/rights-accompanied-children-irregular-situation-PICUM.pdf.

[144] General Assembly, Promotion and protection of human rights, including ways and means to promote the human rights of migrants: Report of the Secretary-General, A/68/292, 9 August 2013, para. 61.

[145] Argentina's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law, (Human Rights Council Resolution A/HRC/35/L.28).

[146] UN-Women, *Gender Assessment of the Refugee and Migration Crisis in Serbia and FYR Macedonia*, UN-Women Europe and Central Asia Regional Office, January 2016, p. 24, though noting the closure of the Hungarian border means transit routes have redirected towards the Croatian border with only limited numbers of refugees and migrants located in this area (at note 34 on the same page). On Sphere standards, which aim to improve the quality of humanitarian assistance and the accountability of humanitarian actors, see http://www.sphereproject.org.

[147] Ibid., p. 25.

[148] A. Jessen, *The Government of Turkey and Syrian Refugees: A Gender Assessment of Humanitarian Assistance Programming*, Georgetown Institute for Women, Peace and Security, 2013, p. 14.

[149] Slovenia's submission to OHCHR on the GMG Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations, 7 December 2016.

[150] For more information: http://www.isotita.gr/en/ – source: http://www.gfmd.org/pfp/ppd/333.

Some States have conducted training programmes for government officials, the police, the judiciary, medical staff and other service providers to ensure gender-sensitive policy implementation, service provision and assistance, including access to justice, in the context of violence against women, human trafficking and protection of migrant workers. Belgium, for example, has conducted training to raise the awareness of prosecutors, police and medical personnel about domestic violence. Italy has undertaken awareness-raising campaigns and delivered human rights courses and training for judicial system personnel to prevent and eliminate violence against and stalking of women.[151] Certain States (Germany, Greece, Malta, Peru, the Philippines, Sweden and the United Arab Emirates) have reported on the production of guidelines, the provision of support and the conduct of training programmes for public officials (including the judiciary, police, immigration officials and civil servants) on the identification of migrants at risk and the prevention and protection of migrant women workers from exploitation and abuse.[152]

In order to mainstream a gender perspective into policies and programmes addressed to migrants, Mexico is undertaking a review and analysis of governmental programmes and actions to ensure that they do not contain requirements that impede migrant women and their families from accessing them. As part of this work, the Mexican government established the Technical Group for the Incorporation of the Gender Perspective in Care and Protection Policies for Migrant Women within the framework of the Consultative Council on Migration Policy of the SEGOB, ensuring the state is acting in line with its international and regional obligations.[153]

OHCHR released a short documentary film in 2015, "I Am Not Here", in collaboration with Oscar-nominated director Ashvin Kumar, that follows the stories of three women in cities in Switzerland, the United States and Malaysia. It highlights the situation of undocumented women migrant domestic workers, millions of whom live in the shadows. In the framework of the Global Action Programme on Migrant Domestic Workers and their Families, OHCHR convened a global seminar in Bangkok on the human rights of migrant domestic workers in an irregular situation in September 2015 and launched its report "Behind closed doors: protecting and promoting the human rights of migrant domestic workers in an irregular situation".[154]

Through its Strategic Plan for Migration adopted in 2015, Portugal granted access to the National Health System to all residents, whether or not they have regular status.[155]

[151] General Assembly, Violence against women migrant workers: Report of the Secretary-General, A/68/178, 23 July 2013, para. 36.

[152] General Assembly, Violence against women migrant workers: Report of the Secretary-General, A/70/205, 27 July 2015, para. 46.

[153] Mexico's submission to OHCHR on the GMG Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations.

[154] https://www.youtube.com/watch?v=v1GY6h0VaM and http://www.ohchr.org/Documents/Publications/Behind_closed_doors_HR_PUB_15_4_EN.pdf.

[155] Address by His Excellency the President of the Portuguese Republic to the High Level Meeting on Large Movements of Refugees and Migrants, UN General Assembly, New York, 19 September 2016.

In Argentina, Trinidad and Tobago and Uruguay, all migrants enjoy the same access to social services as nationals. Other States, including Belgium, France, Italy and the Netherlands, have implemented administrative systems to give irregular migrants access to a range of health service. The right to equal access of all children to health care is recognized in Greece, Portugal, Romania and Spain.[156]

Under a new law that entered into force on 1 July 2013, people who stay in Sweden without a permit must be offered the same subsidised health and medical care as adult asylum seekers, and such children must be offered the same care as resident and asylum-seeking children.[157]

In 2014, the Chilean Ministry of Health established a task force to develop a migrant-responsive health policy. Several actions have been undertaken to ensure the right to health of migrants, regardless of their status, including: a) the inclusion of irregular migrants as beneficiaries of the public health insurance FONASA (Decree of the Ministry of Health No. 67 of 29 May 2015); b) the development of trainings on migration, health, human rights, and cultural awareness addressed to health professionals, service providers, and officials in charge of health programmes; c) the implementation of a strategy to improve the collection of data and information on migrants' access to health; d) the organization of 8 dialogues, which are spaces of participation where migrants and nationals can express their concerns and proposals in relation to the health policy for migrants.[158]

In northern France, MSF teams provided medical consultations, nursing care, physiotherapy and psychological support at the camp known as 'the Jungle' in Calais, as well as in another camp in Grande-Synthe, near Dunkirk.[159]

In Greece, the health screening of migrants aims to provide, where necessary, appropriate therapeutic intervention and to ensure the referral of those in need of medical care to competent health structures.[160]

In Spain the Association *Salud y Familia* (Health and Family) is implementing several programmes to improve access to health services for undocumented migrants in the Barcelona region. The association combines policy advocacy with coordination with service providers and the government to guarantee undocumented persons' access to a health card. In collaboration with the public hospitals of Cataluña, they implement the "Mothers between two cultures" programme, aimed at designing and piloting intercultural education activities targeted toward migrant mothers with different cultural background who have children of three years or younger. The objective is to improve coverage and reduce unmet needs in the area of maternal and child health prevention and promotion, by strengthening knowledge, capacity and social support networks. The Association also offers a programme called "Assistance for At-Risk Maternity" which provides partial assistance for pregnant women to receive pre-natal care and psychosocial support.[161]

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[156] General Assembly, Promotion and protection of human rights, including ways and means to promote the human rights of migrants: Report of the Secretary-General, A/68/292, 9 August 2013, para. 64.

[157] UN Human Rights Council, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 : Sweden, 14 November 2014, A/HRC/WG.6/21/SWE/1, para. 74.

[158] Chile's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights (Human Rights Council Resolution A/HRC/35/1, 28).

[159] See http://www.msf.org/en/topics/mediterranean-migration, http://www.msf.org/en/where-we-work/france.

[160] European Union Agency for Fundamental Rights, Thematic focus: Healthcare, http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/focus-healthcare.

[161] For more information, visit http://www.saludyfamilia.es/eng/home.htm Source: UN-Women, *Gender on the Move: Working on the Migration-Development Nexus from a Gender Perspective: Training Manual*, 2013, p. 186, citing Eva Geddie, Platform for International Cooperation on Undocumented Migrants (PICUM), picum.org/en.

In Sweden, health screening must be offered to all applicants for international protection by the county councils/regions in which they reside. The health screening is offered to identify any health problems relating to the individual, but also as a measure for infectious disease control. The health screening is voluntary and an interpreter can be engaged if necessary. The health screening aims to deliver a medical assessment of what kind of healthcare services should be offered to the person in question. The screening must include questions about the person's immunisation status, his or her exposure to infections, as well as other information that may be needed to discover any infectious diseases. The questions must be based on the epidemiological situation of the places where the person in question has stayed before arriving in Sweden. The health screening must also include a health dialogue (hälsosamtal) concerning the person's past and present physical and mental health. A part of this dialogue must concern the person's psychosocial situation or traumatic experiences. A physical examination and tests must be carried out as part of the health screening. They should be based on the findings from the questions asked earlier and the health dialogue.[162]

In Serbia, migrants living in reception and transit centres are provided with access to health care. Centres have rooms for the provision of healthcare (24 hour medical teams, gynaecologists and international organizations which provide information of health). In cooperation with civil society organisations and international organisations, migrants have access to psychosocial support. In cooperation with the local healthcare centres, conditions and resources have been ensured for the provision of health care, in order to adequately respond to the needs of migrants present in the territory.[163]

Article 32 of the Italian Constitution guarantees assistance to everyone under the national health-care system, based on the principles of universality and solidarity. This implies the compulsory enrolment in the National Health-Care Service (NHS) to all migrant children being on the national territory, regardless of their legal status.[164]

The Swiss Red Cross runs health centres for undocumented migrants in Bern and Zurich. According to Swiss Law, irregular migrants have the right to health insurance and therefore access to public health care. The centres provide health counselling, health insurance information, primary health care, psychiatric support, and preventive care. The centres also support irregular migrants to access specialists, hospitals or dentists.[165]

One of the priorities of the Swiss national programme "Migration and Health" is to enable migrants' access to health services, regardless of their migration status. The programme has set up an online platform to support health professionals' intercultural competences and a telephone interpretation service available in 50 languages.[166]

Doctors and volunteers from Gynécologie Sans Frontières carry out visits to refugee and migrant women in locations lacking basic living conditions and access to adequate health care, including reproductive health care.[167]

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[162] European Union Agency for Fundamental Rights, Thematic focus: Healthcare, http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/focus-healthcare.

[163] Serbia's submission to OHCHR on the GMG Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations, 8 December 2016.

[164] Italy's submission to OHCHR on the GMG Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations, 23 November 2016.

[165] Health care for irregular migrants, Switzerland, on the *IFRC Smart Practices database*, http://media.ifrc.org/global-review-on-migration/smart-practice/health-care-for-irregular-migrants-switzerland/.

[166] Switzerland's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

MSF operates at the arrival spots in Sicily, assisting people onshore by providing a Psychological First Aid. A mobile team composed of a psychologist and adequately trained cultural mediators is deployed within maximum 72 hours after the alert is given by the Italian Ministry of Interior. A number of essential services are then given to survivors, such as access to basic needs, orientation and information, referral of severe medical cases, emotional and psychological support. According to the landing location and with the agreement of national authorities, group and/or individual psychological sessions are provided.[168]

A programme called *Ventanillas de Salud*, Institute for Mexicans Abroad, was created to assist the Mexican immigrant population in the United States. Beginning in 2003 in California and spreading to all Mexican Consulates in the US, it provides health information, screenings and referral services to Mexican citizens living in the US, partnering with local non-profits to provide services. They also assist in helping those eligible to enrol in federal and state health programmes.[169]

The Swiss Red Cross has published a booklet with information on the right to health care, how to access health care and insurance, and recommendations for health practitioners on how to treat migrants who do not have health insurance.[170]

Malta has established a special unit within the Department of Primary Health to attend migrants. It is staffed with several 'cultural mediators' from migrant communities (Somali, Ethiopian, Eritrean, Congolese, and Nigerian). Half of these are women, who provide assistance during prenatal and gynaecological appointments at the "women's clinic" in the health centres. In addition to direct assistance and cultural sensitivity training for staff, the Unit has also conducted community outreach on sexual health, how to navigate the health system and mental health. Materials have been published in many languages, including Somali, Tigrinya, French and Arabic.[171]

At the World Humanitarian Summit, the United Nations Population Fund (UNFPA) and 13 States — Australia, Central African Republic, Denmark, Finland, Iceland, Liberia, The Netherlands, Norway, The Philippines, Sweden, Switzerland, United Kingdom, and Uruguay — committed to intensify support, including financing for humanitarian action, to ensure universal access to sexual and reproductive health and reproductive rights in crisis settings.[172] This includes a rollout by 2017 of the Minimum Initial Services Package (MISP) within 48 hours of an emergency which will help prevent maternal and new born deaths; support those who have been targeted for sexual violence and subsequent trauma; sexually transmitted infections; unwanted pregnancies and unsafe abortions; and the possible spread of HIV.[173]

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[167] Council of Europe Commissioner for Human Rights, Human rights of refugee and migrant women and girls need to be better protected, 7 March 2016, https://www.coe.int/en/web/commissioner/-/human-rights-of-refugee-and-migrant-women-and-girls-need-to-be-better-protected; Gynécologie Sans Frontières, http://gynsf.org/en/reportage-de-gsf-dans-les-camps-de-la-honte/.

[168] MSF, *EU Migration Crisis: June update*, 17 June 2016, available at http://www.msf.org/en/article/20160617-eu-migration-crisis-update-june-2016.

[169] http://ihcglobal.org/key-policy-topics/migration-and-its-implications/ , source: http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=34.

[170] International Federation of Red Cross and Red Crescent Societies (IFRC), *One humanity: Safety and dignity for migrants*, IFRC September 2016, p. 16, http://www.ifrc.org/Global/Documents/Secretariat/201609/One%20humanity-Safety%20and%20dignity%20for%20migrants-EN-locked.pdf.

[171] For more information, visit: https://ehealth.gov.mt/ HealthPortal/health_institutions/primary_healthcare/ migrant_healthunit.aspx Source: UN-Women, *Gender on the Move: Working on the Migration-Development Nexus from a Gender Perspective: Training Manual*, 2013, p. 186, citing Eve Geddie, Platform for International Cooperation on Undocumented Migrants (PICUM), picum.org/.

[172] UNFPA, Accelerating efforts to save lives, protect rights and dignity and leave no one behind, 23 May 2016, http://www.unfpa.org/press/accelerating-efforts-save-lives-protect-rights-and-dignity-and-leave-no-one-behind.

The United Kingdom makes antiretroviral therapy available to all people living with HIV in the country at no cost regardless of their migration status.[174]

The South African National AIDS Council is establishing a multistakeholder advisory committee on mobile men and migrant populations to provide advice on a comprehensive and strong programme aimed at reducing the risk of HIV transmission and other infectious diseases among migrants.[175]

Migrant and Refugee Communities Forum (MRCF) is a bilingual mentoring support scheme in the UK, developed in 2007 in order to take advantage of the skills of unemployed refugee doctor who wanted to support non-English speaking migrants and refugees experiencing mental illness, using a US cultural brokerage model. Mentees not only reported feeling better, but started attending college, volunteering and some secured paid work. MRCF has opened the mentoring role to all individuals who want to support migrants and refugees. Training and structured support is provided for mentoring vulnerable migrants and refugees weekly for at least six months to help them break out of isolation and build confidence for a new start.[176]

Resources: The Inter-Agency Standing Committee Guidelines for mental health and psychosocial support in emergency settings;[177] the Multiagency guidance note on Mental Health and Psychosocial Support for Refugees, Asylum Seekers and Migrants on the Move in Europe.[178]

In the USA, non-profit organisations are explicitly exempt from any requirements to verify immigration status as a condition for providing services. Rather, any non-profit or government domestic violence service programme or shelter that denies assistance to migrants on the basis of their irregular situation is in violation of the Attorney General's order requiring that services "necessary for the protection of life and safety" be provided without regard to immigration status.[179]

Some US cities including Chicago have introduced municipal identification cards so that undocumented residents can more easily access public services such as healthcare and schools.[180]

The Committee for the Rights of Foreigners of the Council for Human Rights (an advisory body to the Czech Government) concluded after a meeting with health professionals in September 2010 that reporting migrants in an irregular situation to the police is unlawful and should not take place. As a follow-up, the Czech Medical Chamber clarified this issue in a newsletter, sent to every doctor.[181]

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[173] Inter-Agency Working Group on Reproductive Health in Crisis, Reproductive Health-related Resources to Implement the Minimum Initial Service Package (MISP) at the Onset of an Emergency, http://iawg.net/resource/misp-implementation/.

[174] Joint United Nations Programme on HIV/AIDS (UNAIDS), *The Gap Report 2014: Migrants*, UNAIDS 2014, p. 11, available at http://www.unaids.org/sites/default/files/media_asset/04_Migrants.pdf.

[175] Ibid., p. 12.

[176] Yohannes Fassil and Angela Burnett, *Commissioning mental health services for vulnerable adult migrants: Guidance for commissioners*, Mind, with the support of the Faculty for Homeless, Inclusion Health/Pathway and NHS England, September 2015, pp. 27-28, http://www.mind.org.uk/media/3168649/vulnerable-migrants_2015_mindweb.pdf.

[177] Available at http://www.who.int/mental_health/emergencies/9781424334445/en/.

[178] http://www.euro.who.int/en/health-topics/health-determinants/migration-and-health/publications/2016/mental-health-and-psychosocial-support-for-refugees,-asylum-seekers-and-migrants-on-the-move-in-europe.-a-multi-agency-guidance-note-2015.

[179] UNODC and IFRC, Combating Violence against Migrants, 2015, p. 53, available at https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Combating_Violence_against_Migrants.pdf.

Principle 13: Adequate standard of living
Safeguard the right of migrants to an adequate standard of living

In March 2016, the European Commission against Racism and Intolerance (ECRI), part of the Council of Europe, has adopted the General Policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination. [182] The policy calls for the creation of firewalls to prevent state and private sector actors from denying human rights to migrants in an irregular situation by clearly prohibiting the sharing of the personal data of, or other information about, persons suspected of irregular presence or work, with the immigration authorities for purposes of immigration control and enforcement. The recommendations outlines ways to ensure that these rights are respected in the areas of education, health care, housing, social security and assistance, labour protection and justice. In relation to housing, in order to reduce the risk of exploitative or abusive situations, States are required to ensure that renting accommodation to irregular migrants is not criminalised by reason only of their immigration or migratory status.[183]

In 2005, the Municipality of Utrecht in the Netherlands supported the Dutch non-profit organisation STIL to set up a shelter for women and children in irregular status called Fanga Musow ("Strong Women"). This initiative offers undocumented women and children safe and stable accommodation, financial help, legal assistance, education and medical services. Now run as a project of Stichting Seguro, the shelter is partly funded by the Municipality (staff costs) and partly funded by numerous independent donors (other running costs and financial assistance to the women). Stichting Seguro also manages three shelters for undocumented men who are homeless in Utrecht, entirely funded by the Municipality. The Municipality also fully funds another shelter for undocumented women and children called Huize Agnes. Most of the undocumented women supported in this shelter arrived in the Netherlands as unaccompanied children and are now undocumented young women, some with children.[184]

In Greece a collective of refugee, student and solidarity activists have squatted City Plaza, a disused hotel that was closed for several years, since 22 April 2016. From 2nd May, City Plaza has hosted refugees who arrived prior to the EU/Turkey Deal of March 2016. It is not funded by the state or by NGOs, but is self-funded and self-run. City Plaza is collectively organised in its daily operation, with all those living at the site involved in decision making through various cross-represented assemblies. The people living on site participate in ensuring the collective living arrangements run smoothly, and there is a rota to cover all the cooking, cleaning, and additional activities required to ensure that everyone experiences comfortable living conditions.[185]

[180] City of Chicago, Mayor Emanuel, Clerk Mendoza Announce Launch of Municipal ID Program, 12 October 2016, https://www.cityofchicago.org/city/en/depts/mayor/press_room/press_releases/2016/october/Municipal-ID-Program.html; Reuben Unrau, City Sets Aside $1 Million for Municipal ID Program, 14 October 2016, http://chicagotonight.wttw.com/2016/10/14/city-sets-aside-1-million-municipal-id-program.

[181] European Agency for Fundamental Rights, *Fundamental rights of migrants in an Irregular Situation in the European Union*, 2011, p. 44.

[182] The European Commission against Racism and Intolerance (ECRI), General Policy Recommendation No. 16 on Safeguarding Irregularly Present Migrants from Discrimination, adopted on 16 March 2016, Council of Europe, Strasbourg, CRI(2016)16, available at http://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N16/REC-16-2016-016-ENG.pdf.

[183] Council of Europe's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[184] Platform for International Cooperation on Undocumented Migrants, *Protecting undocumented children: Promising policies and practices from governments*, PICUM 2015, pp. 22-23.

[185] V. Squire, City Plaza: a way forward for the European 'migration crisis'? *50.50 People on the Move*, 14 June 2016, available at https://www.opendemocracy.net/vicki-squire/city-plaza-way-forward-for-european-migration-crisis, http://solidarity2refugees.gr/city-plaza/.

In Spain the Ley de Extranjería (Foreigners' Law) of August 2000 denied migrants in an irregular situation the right to assemble, demonstrate, associate, join a union and go on strike. In January 2001, three major trade unions — the Union General de Trabajadores (UGT), Comisiones Obreras (CCOO) and the Confederación General de Trabajo (CGT) — made a public announcement stating that the law was unconstitutional, that they would not follow it, and that they would allow undocumented migrants to be members of their trade unions. Another Spanish union, the Sindicato de Obreros del Campo (SOC), has also gone against this law by making undocumented workers union members.[186]

Labour laws in Azerbaijan, Jamaica, and Peru also ensure that migrants have equal access to social protection, including contributory pension schemes and health care.[187]

The Swedish Trade Union Centre for Undocumented Migrants was created in 2008 by a number of Swedish trade union organisations, together with an organisation promoting the rights of undocumented migrants. The objective of the centre is to inform undocumented migrants about their rights in the labour market and represent them vis-à-vis their employers in any proceedings if they so wish.[188]

In Belgium, DUO for a JOB connects young migrants looking for jobs with experienced professional mentors in early retirement, who share their knowledge, experience and personal networks, to support migrants in their research for jobs.[189]

The Bulgarian Red Cross offers assistance to migrants in finding jobs via an employer referral programme, job seeking support and language lessons. Six volunteers from migrant communities, under the supervision of two Bulgarian Red Cross staff members in Sofia, assist migrants to register with the employment office, draft CVs, prepare for job interviews, and enrol in trainings. The Bulgarian Red Cross also works to encourage employers to hire migrants, and refers migrants to employers who have expressed willingness to consider them. In addition, the Bulgarian Red Cross offers language lessons to support the integration process. Migrants receive lessons from Bulgarian teachers several times a week. One lesson from the project has been that the involvement of potential employer companies in implementation of the programme, for example in trainings, encourages the participation and long-term commitment of both companies and employees.[190]

The ASEAN Qualifications Reference Framework (AQRF) is a system to relate existing qualification framework/training system between ASEAN member states. The AQRF has eight qualifications levels, ranging from basic skills to most advanced and specialised skills agreed among all 10 member states.[191]

ChileValora, the national System of Certification of Professional Skills, certifies the job skills of migrants that are included in the Catalogue of Job Skills, regardless of migrants' status and where the professional skills have been developed.[192]

The New Skills Agenda for Europe launched by the European Commission in June 2016 outlines a number of initiatives with the aim to assess, profile, recognise and upgrade skills of third country nationals, including the launch of a 'Skills Profile Tool for Third Country Nationals', which will assist services in receiving and host countries to identify and document skills, qualifications and experience of newly-arrived third country nationals.[193]

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[186] Platform for International Cooperation on Undocumented Migrants, *Ten Ways to Protect Undocumented Migrant Workers*, PICUM 2005 [They used it again in their submission to the half-day of discussion in 2014], p. 50.

[187] General Assembly, Violence against women migrant workers: Report of the Secretary-General, A/70/205, 27 July 2015, para. 34.

[188] European Union Agency for Fundamental Rights, *Severe labour exploitation: workers moving within or into the European Union: States' obligations and victims' rights*, 2015, p. 85. For more information, see: Solidar (2014), Undocumented migrants: equal access to labour and social rights?

Principle 14: Decent work
Guarantee the right of migrants to work, in just and favourable conditions

In Canada, recognition of credentials for regulated occupations is mainly a sub-national responsibility that is mostly delegated, in legislation, to professional regulatory bodies that have the primary responsibility for establishing occupational standards. The federal government plays a facilitative role to foster the development of consistent, national approaches. To this end, the Forum of Labour Market Ministers has developed the Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications. Since the launch of the Framework in 2009, government representatives of labour, immigration, and health departments have worked collaboratively towards the enhancement of foreign-qualification recognition processes across Canada.[194]

Since 2010, Canada's Labour Program has partnered with the Royal Canadian Mounted Police to raise awareness on human trafficking for forced labour among provincial labour inspectors and other labour officials, including providing information about possible signs and indicators of human trafficking and possible areas of cooperation between federal, provincial, territorial labour officials, law enforcement and other implicated parties. Since migrant workers are potentially at risk, raising awareness among front line labour inspectors may help mitigate the risk and identify potential victims.[195]

In Thailand, all workers, regardless of migrant status, have the right to claim compensation in case of accident or injury at work through the Workmen's Compensation Fund. All employers are obligated to pay in to the fund and may be liable under civil or criminal law if they do not.[196]

Sri Lanka requires all recruitment agents and employers recruiting Sri Lankans nationals for employment abroad to be registered and licensed by the government. They must be registered with the relevant Diplomatic Mission, which approves jobs requests and placements.[197]

[189] Intergenerational mentoring for immigrant youth, Belgium, on the *IFRC Smart Practices database*, http://media.ifrc.org/global-review-on-migration/smart-practice/intergenerational-mentoring-for-immigrant-youth-belgium/.

[190] Employer referral and language lessons, Bulgaria, on the *IFRC Smart Practices database*, http://media.ifrc.org/global-review-on-migration/smart-practice/employer-referral-and-language-lessons-bulgaria/.

[191] ILO, Recognition of skills and labour mobility in ASEAN, available at http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=98 (PowerPoint).

[192] Chile's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights (Human Rights Council Resolution A/HRC/35/L.28).

[193] European Union's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights (Human Rights Council Resolution A/HRC/35/L.28). Information is available at http://ec.europa.eu/social/main.jsp?catId=1223.

[194] Canada's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights (Human Rights Council Resolution A/HRC/35/L.28).

[195] Canada's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights (Human Rights Council Resolution A/HRC/35/L.28).

[196] R. Napier-Moore; K. Sheill, *High rise, low pay: experiences of migrant women in the Thai construction sector*, International Labour Organization, Bangkok: ILO, 2016, p. 45.

[197] Sri Lanka's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights (Human Rights Council Resolution A/HRC/35/L.28).

The fundamental right of all children to education, regardless of their legal status, is recognized in Argentina, Belgium, Chile, Italy, Spain, Thailand, the Netherlands and Uruguay. In France, there is a ministerial circular to the same effect.[198]

Italy guarantees to migrant children the right to education, regardless of their status, on the same terms as Italian children. The 1998 Immigration Act integrates the right to education in national legislation. It provides for the compulsory education of migrant children, the teaching of Italian, and the promotion of the culture and language of the countries of origin of migrant children.[199]

Chile guarantees access to public education to migrant children and adolescents, regardless of their migration status (Ministry of Education, Ordinary Communication No. 07/1008 of 2005). In 2016, a new procedure was established to facilitate the enrolment of irregular migrant children.[200]

In Serbia, school age migrants in transit have access to informal education, provided by the competent institution in cooperation with civil society organisations.[201]

Through its Strategic Plan for Migration adopted in 2015, Portugal promotes access to education to the children of all migrants, whether or not they have regular status.[202]

The US Supreme Court ruled in the landmark *Plyler v. Doe* case in 1982, that it was a violation of the Constitution to deny irregular migrant children free compulsory education under the same conditions as citizens and regular migrant children. The legal ruling has been complemented by guidelines, for instance those produced by the National School Boards Association and the National Education Association, regarding legal issues and specific schools. A number of States have fully implemented this ruling to include access to other school-based services, such as free and reduced-price meals and educational assistance for children with learning disabilities.[203]

In 2005, Thailand's Ministry of Education instructed school directors to enrol all children, including irregular migrant children, so they could access free basic education.[204]

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[198] General Assembly, Promotion and protection of human rights, including ways and means to promote the human rights of migrants: Report of the Secretary-General, A/68/292, 9 August 2013, para. 65.

[199] OHCHR, *The Economic, Social and Cultural Rights of Migrants in an Irregular Situation*, HR/PUB/14/1, 2014, p. 88 — citing PICUM, *Undocumented Children in Europe*, pp. 16-17.

[200] Chile's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights (Human Rights Council Resolution A/HRC/35/L.28).

[201] Serbia's submission to OHCHR on the GMG Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations, 8 December 2016.

[202] Address by His Excellency the President of the Portuguese Republic to the High Level Meeting on Large Movements of Refugees and Migrants, UN General Assembly, New York, 19 September 2016.

[203] OHCHR, *The Economic, Social and Cultural Rights of Migrants in an Irregular Situation*, HR/PUB/14/1, 2014, p. 89.

[204] Save the Children's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

Principle 15: Right to education

Protect the right of migrants to education, including primary, secondary education as well as higher education and vocational and language training

The Council of Europe's project Linguistic Integration of Adult Migrants (LIAM) provides assistance to member states in developing coherent and effective policies on linguistic support to adult migrants. In this area, the Council of Europe has also developed standard setting instruments, policy guidelines[207] and tools[208] for policy makers, language course providers, teachers and learners.[209]

In Belgium, head teachers are not required to inform the police of the administrative status of children and their parents, and undocumented migrants will not be arrested in the vicinity of the school. This guarantee was extended to the entire Belgian territory through a circular letter signed by the Ministry of Interior on 29 April 2003, recalling that police services cannot enter schools in order to carry out deportations.[210] In the Netherlands, legislation explicitly prevents schools from sharing personal information with others (for example, immigration authorities) and from refusing registration because of immigration status.[211]

Portugal provides for enhanced protection of undocumented children and the children of irregular migrants. Their details are confidential and may not be shared with immigration authorities. This practice prevents situations in which children do not attend school or receive proper health care for fear of their status being exposed.[212]

In 1997, Germany set up a national database of leaving certificates, exams and degrees and information about the authorities responsible for recognition in specific sectors and regions. Since 2012, there has been a publicly accessible version online. Detailed information on foreign educational institutions, their courses and certificates is available for institutions that have to assess these for recognition (the database covers 180 countries, approximately 25,000 institutions, 22,000 university degrees and [illegible] evaluations on individual cases, professions — 5,800 entries — and secondary school leaving certificates — [illegible] the academic sector). One consequence of standardizing this recognition procedure has been a significant investment in the administrative budget for this work.[213]

Ecuador's Human Mobility Law, passed in January 2017, guarantees to migrants and returnees the right to the recognition of degrees and studies carried out abroad.[214]

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[207] http://www.coe.int/en/web/lang-migrants/guiding-principles, http://www.coe.int/en/web/lang-migrants/language-policies-for-adult-migrants.

[208] https://rm.coe.int/16802fc1cd, https://rm.coe.int/16802fc1d4, http://www.coe.int/en/web/lang-migrants/instruments#For%20learners%20and%20teachers.

[209] Council of Europe's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law. Materials are available on the LIAM website, at: http://www.coe.int/en/web/lang-migrants/home?p_p_id=56_INSTANCE_cS30PtrWme6S&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-1&p_p_col_count=1&_56_INSTANCE_cS30PtrWme6S_languageId=it_IT.

[210] OHCHR, The Economic, Social and Cultural Rights of Migrants in an Irregular Situation, HR/PUB/14/1, 2014, p. 88 — citing PICUM, *Undocumented Children in Europe*, pp. 16-17.

[211] UNICEF, Examples of good practices in the implementation of the international framework for the protection of the rights of the child in the context of migration, draft paper, 26 May 2010, p. 14, available from www.ohchr.org/Documents/Issues/MHR/Consultation2010/2.Good_practices_Migration_children_UNICEF.pdf — citing PICUM, Undocumented Children in Europe; see also European Union Agency for Fundamental Rights (FRA), Apprehension of migrants in an irregular situation, 2013, principles 4 and 5.

[212] Address by His Excellency the President of the Portuguese Republic to the High Level Meeting on Large Movements of Refugees and Migrants, UN General Assembly, New York, 19 September 2016.

[213] A. Schuster, M. Vincenza Desiderio and G. Urso (eds) *Recognition of Qualifications and Competences of Migrants*, 2013, IOM, p. 71. The database is accessible online (Informationssystem zur Anerkennung ausländischer Bildungsabschlüsse, ANABIN): www.anabin.de.

Principle 12: Right to education

Protect the right of migrants to education, including providing non-citizen children access to public education and promoting and supporting language training

The Platform for International Cooperation on Undocumented Migrants (PICUM) have produced a teachers' guide to accompany their web documentary "Undocumented" to educate students at all levels about the daily lives of undocumented migrants, drawing on stories of undocumented migrants, migrants' rights defenders, professionals and public authorities. The tool also addresses related issues such as human rights, migration, social studies, civic education, and current affairs.[211]

In Slovenia, UNICEF trained teachers on working with migrant children and elaborated a school activities model at the Livada Primary School as a good practice. They provided school teaching staff with dictionaries to facilitate communication with children (Arabic, English, Slovenian).[214]

In Ecuador, UNHCR and the Nation Human Rights Institution (Defensoria del Pueblo) promoted the development of a methodology of inclusive education addressed to teachers and educators working in urban and rural areas of Ecuador.[215]

In Switzerland, school curricula include learning objectives related to non-discrimination and respect for diversity.[216]

The Hague court found that Dutch national law (Aliens Employment Act or WAV) is in violation of Article 2 of the 1st Protocol of the ECHR by requiring students to have a residence permit in order to carry out an internship which is a compulsory part of an educational programme.[217]

A special programme called "Mama Learns Greek" — Learning of the Greek Language Tailor-made for Migrant Mothers helps migrant mothers to learn the language and improve their ability to help their children in school. This contributes to gender equality, the integration of mothers and children, cohesion of the family and human development of mothers and children. This programme is also part of the Annual Programme of the European Integration Fund, a programme that promotes linguistic skills and women's capacity to assist their children in their schooling and life.[218]

The training programmes of the Chilean National Service for Training and Work (Servicio Nacional de Capacitación y Empleo SENCE) are open to *both regular and irregular migrants.*[219]

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[211] Ecuador, Ley Organica de Movilidad Humana, Article 28 and 50, available at http://www.asambleanacional.gob.ec/es/multimedios-legislativos/38406-ley-organica-de-movilidad-humana

[212] The Platform for International Cooperation on Undocumented Migrants (PICUM), *How to use UNDOCUMENTED in the Classroom: A teacher's guide*, available at http://picum.org/picum.org/uploads/publication/Educational%20guide_FINAL_EN.pdf

[214] Slovenia's submission to OHCHR on the GMG Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations, 7 December 2016.

[215] http://www.acnur.org/t3/fileadmin/Documentos/Publicaciones/2016/10267.pdf

[216] Switzerland's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28)

[217] UNICEF, Examples of positive developments for the rights of children in the context of international migration — 2012 Day of General Discussion of the Committee on the Rights of the Child: The Rights of All Children in the Context of International Migration, available from http://www.unicef.org/socialpolicy/files/Examples_of_positive_developments_for_the_rights_of_children_in_the_context_of_international_migration.pdf

[218] Source: http://www.gfmd.org/pfp/ppd/331

[219] Chile's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights (Human Rights Council Resolution A/HRC/35/L.28)

Principle 19: Right to information
Uphold migrants' right to information

Traditional information distribution strategies, including pamphlets, posters and information sessions may not be effective in the context of large and/or mixed movements, given that individuals cannot carry non-essential material with them and time spent in the reception and transit centres is limited. In the former Yugoslav Republic of Macedonia, the NGO *La Strada* has been handing out laminated maps to women and girls — which they will likely keep given the importance of maps to their journey — on the back of which contacts of protection services in transit and destination countries are listed.[220]

On arrival in Slovenia, every migrant was given a pamphlet with basic information on the country, registration procedure, available services and information on accommodation, care and health services as well as the names of organizations providing these services (Police, Caritas, Administration for Civil Protection and Disaster Relief, Red Cross, Slovenska filantropija), including the information of the Red Cross being responsible for tracing family members and reunification of families when family members get lost en route. The pamphlet was also available in Arabic.[221]

PROGE (Die Produktionsgewerkschaft) in Austria is a union which provides information about rights such as the minimum wage, working hours and holidays, for example to seasonal harvest workers.[222]

The New Zealand Government provides trusted settlement information to migrants on a variety of topics, including New Zealand's employment law, finding employment, cost of living, housing, healthcare, education and schooling and opportunities to participate in the community.[223]

In Serbia, several NGOs are developing phone apps for migrants and asylum seekers with a view to provide updated information on border closures, transport options, and available services along the transit route. One organization wanted to include a mapping of gender-based violence health services in countries along the route.[224]

In the Balkans, governments have discussed using loudspeakers with recorded messages in multiple languages playing in transit centres to ensure that information is properly shared. This would improve access to information especially for women and girls who may have lower literacy rates.[225]

In 2015, Turkey launched a new communication center for foreigners (Yimer Line). The centre acts as a 'helpline' and provides information in Turkish, English, Arabic and Russian. This calling center also serves as hotline for victims of human trafficking and provides translation services for foreigners who need to contact law enforcement agencies.[226]

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220 UN-Women, *Gender Assessment of the Refugee and Migration Crisis in Serbia and FYR Macedonia*, UN-Women Europe and Central Asia Regional Office, January 2016, p. 30.

221 Slovenia's submission to OHCHR on the GMG Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations, 7 December 2016.

222 European Union Agency for Fundamental Rights (FRA), *Severe labour exploitation: workers moving within or into the European Union — States' obligations and victims' rights*, FRA 2015, p. 59.

223 New Zealand's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/34/L.20).

224 UN-Women, *Gender Assessment of the Refugee and Migration Crisis in Serbia and FYR Macedonia*, UN-Women Europe and Central Asia Regional Office, January 2016, p. 34.

225 Women's Refugee Commission, *No Safety for Refugee Women on the European Route: Report from the Balkans*, 2016, p. 8.

226 Turkey's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Coun. 9 Resolution A/HRC/34/L.20).

Welcome to Europe (w2eu.info) provides independent information, including contacts and counselling, for refugees and migrants coming to Europe. The information is accessible by country or issue.[227]

The Netherlands Red Cross launched the Refugee Buddy app in November 2015 to provide newly arrived migrants with information about their new area of residence. The app was developed in close consultation with migrants who had said that lack of any information on where they were or what to do was a key challenge. The app provides information on: the asylum procedure; key facilities nearby (e.g., pharmacies, supermarkets, churches and mosques); relevant news; traffic and transportation; medical facilities; and Dutch culture. The app can be downloaded in Arabic or English and provides translations. The existing Red Cross Red Crescent First Aid app has also been translated and integrated into the Buddy app. The app had been downloaded 4000 to 5000 times in the first six months of release.[228]

NetHope, in a public & private partnership of aid groups and technology companies providing low-bandwidth Wi-Fi hotspots and charging facilities to migrants along the Balkan migration route and in camps in Greece. Given that some services, such as booking an interview with the Greek Asylum Office, are only available online, the internet is essential for migrants to be able to access services and assert their rights such as making informed decisions about their migration and connect with family members.[229]

Red Cross National societies use the opportunity provided by setting up charging stations where migrants can charge their smartphones to share Red Cross Red Crescent information material and audio. In camps in Rwanda, the ICRC is implementing the 'Mobile Solar Kiosk' project to help migrants in camps charge their phones. Many migrants in camps own phones but cannot use them due to lack of access to the Rwandan mobile network, no airtime credit, and no access to electricity to charge their phones. A solar kiosk that allows 20 phones to be charged at any given time has been set up in the camp; the kiosk charges 60 phones per day on average.[230]

Resources on data security and migrants' privacy: a) The Electronic Frontier Foundation (EFF) advises on digital security and provides resources on its website, including on data protection;[231] b) The Responsible Data Forum, a collaboration between Amnesty International, Aspiration, The Engine Room, Greenhost, HURIDOCS, Oxfam, Leiden University's Peace Informatics Lab, School of Data and Ushahidi, has published a handbook on responsible data usage.[232]

In March 2016 the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media recommended the member States to: a) instruct immigration and other law enforcement agencies to respect the right of members of the media to report on issues of public interest and to ensure their safety; b) facilitate journalists' access to areas and locations relevant from a migration perspective, such as border areas, camps and other facilities; c) allow journalists to interview or have contact with migrants in order to report personal stories and current living conditions; d) respect and promote media self-regulatory mechanisms in order to avoid the stereotyping of migrants.[233]

Greece carried out workshops to sensitize journalists to address phenomena of racism and xenophobia.[234]

Resources: Freelance Journalist Safety Principles,[235] the Ethical Journalism Network's five-point guide for reporting on migration.[236]

[227] At http://www.w2eu.info.

[228] Refugee Buddy app, Netherlands, on the *IFRC Smart Practices database*, http://media.ifrc.org/global-review-on-migration/smart-practice/refugee-buddy-app-netherlands/.

[229] http://nethope.org; see also, Madeline Kane, Refugees in Greece need internet so badly that they'll stop a riot to let the wifi guys work, *Quartz*, 20 June 2016, http://qz.com/711529/refugees-in-greece-need-internet-so-badly-that-theyll-stop-a-riot-to-let-the-wifi-guys-work/; Reuters, Internet in Greek migrant camps as

Principle 17: Monitoring and accountability
Guarantee monitoring and accountability in all responses to migration, including in large and/or mixed movements of migrants

UN-Women's migration programme "Promoting and Protecting Women Migrant Workers' Labour and Human Rights: Engaging with International, National Human Rights Mechanism to Enhance Accountability" was piloted in Mexico, Moldova and the Philippines and had global reach through high-level policy and normative work (February 2014-January 2017). Activities were aimed at promoting the rights and protection of Women Migrant Workers against exploitation and abuse at all stages of migration by 1) strengthening strategic international human rights institutions, parliaments, governments to ensure accountability to WMWs at all stages; and 2) strengthening WMWs organizations to effectively engage with these mechanisms and governments to ensure greater accountability at all stages of migration.[227]

Within the European Network of National Human Rights Institutions, many of the members have done significant work on combatting negative stereotyping and hate speech, through their monitoring and reporting work. For instance, the French Commission (CNCDH) in its annual report on combatting racism, anti-Semitism and xenophobia is monitoring and analysing the actions of the public authorities and formulates recommendations to help them fight against this phenomena, but also through complaints handling and legal action. The latter is the case of the Belgian NHRI, Interfederal Centre for Equal Opportunities (UNIA), which handled an increased number of complaints during the past year. Several NHRIs are also working on projects to identify and prevent hate speech on the internet.[228]

important as food and water, aid groups say, *Humanosphere*, 22 July 2016, http://www.humanosphere.org/human-rights/2016/07/internet-in-greek-migrant-camps-as-important-as-food-and-water-aid-groups-say/; see also: Charging and Wi-Fi stations for migrants along trails, Europe, on the *IFRC Smart Practices database*, http://media.ifrc.org/global-review-on-migration/smart-practice/charging-and-wi-fi-stations-for-migrants-along-trails-europe/.

[226] Charging and Wi-Fi stations for migrants along trails, Europe, on the *IFRC Smart Practices database*, http://media.ifrc.org/global-review-on-migration/smart-practice/charging-and-wi-fi-stations-for-migrants-along-trails-europe/; see also, Aviva Rutkin, Tech helps refugees make journey — and survive when they arrive, *New Scientist*, 7 September 2015, https://www.newscientist.com/article/dn28137-tech-helps-refugees-make-journey-and-survive-when-they-arrive/.

[231] Information at https://www.eff.org.

[232] Information at https://responsibledata.io.

[233] OSCE Representative issues recommendations on rights and safety of members of the media reporting on refugees, 4 March 2016, http://www.osce.org/node/225911, Communiqué No.3/2016: Communique by the OSCE Representative on Freedom of the Media on the rights and safety of journalists reporting on refugees, http://www.osce.org/fom/225896?download=true.

[234] Greece's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[235] *Freelance Journalist Safety Principles*, 12 February 2015, http://dartcenter.org/content/global-safety-principles-and-practices For a more comprehensive listing of texts, declarations, decisions, resolutions and conventions related to human rights and the safety of journalists, see http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/basic-texts/.

[236] EJN Chair presents new guidelines on migration coverage in Lampedusa, *Ethical Journalism Network*, 1 October 2016, http://ethicaljournalismnetwork.org/ejn-chair-speaks-prix-italia-conference-migration-lampedusa; EJN, Five-point guide for migration reporting, http://ethicaljournalismnetwork.org/resources/infographics/ethical-guidelines-on-migration-reporting.

[237] UN-Women submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[238] European Network of National Human Rights Institutions, Ombudsman Institutions address migration challenges during international conference, 8 September 2016, available at http://ennhri.org/Ombudsman-Institutions-address-migration-challenges-during-international.

Principle 17. Monitoring and accountability
Guarantee monitoring and accountability in all responses to migration, including in large and/or mixed movements of migrants

OHCHR has carried out monitoring of the human rights of migrants at the request of the Human Rights Council, as well as under the mandate of the High Commissioner for Human Rights. In a report on the situation of migrants and asylum seekers in the North African region, OHCHR highlighted the specific human rights concerns of migrants and provided recommendations designed to protect their human rights. OHCHR and the United Nations Support Mission in Libya (UNSMIL) released a joint report documenting the human rights abuses against migrants in Libya and providing recommendations to the authorities in Libya, as well as to countries of origin and destination, to ensure adequate human rights protections for migrants.[239]

Principle 18. Human rights defenders
Respect and support the activities of human rights defenders and others working to rescue and provide assistance to migrants

The Constitution of Montenegro recognizes that forming an association is a right that requires no form of approval; it is applicable to children from the age of 14 years. In Finland, online notification is sufficient to register a civil society organization and unregistered organizations operate freely, in line with recommendations of United Nations experts.[240]

In Mexico and Côte d'Ivoire, laws have been enacted that specifically protect human rights defenders, drawing on the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.[241]

The *Workbook on Security* by Front Line Defenders is inspired by human rights defenders from over 50 countries who have attended Front Line Defenders' workshops on security and protection. The Workbook is designed to raise awareness on security issues and mitigation of threats. The workbook illustrates to human rights defenders how to assess the security situation, develop risk and vulnerability reduction strategies, and produce a security plan for individuals and for organisations.[242]

[239] Human Rights Council, The situation of migrants and asylum-seekers fleeing recent events in North Africa. Report of the High Commissioner for Human Rights, 1 September 2011, A/HRC/18/54; Detained and Dehumanised: Report on human rights abuses against migrants in Libya. Report of the United Nations Support Mission in Libya and the High Commissioner for Human Rights, 13 December 2016.

[240] Human Rights Council, Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned: Report of the United Nations High Commissioner for Human Rights, A/HRC/32/20, 11 April 2016, para. 16, citing Permanent Mission of Montenegro to the United Nations Office at Geneva, and Permanent Mission of Finland to the United Nations Office at Geneva. See also reports of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/20/27 and A/HRC/23/39).

[241] Human Rights Council, Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned: Report of the United Nations High Commissioner for Human Rights, A/HRC/32/20, 11 April 2016, para. 18.

[242] Front Line Defenders, *Workbook on Security: Practical Steps for Human Rights Defenders at Risk*, 2011, https://www.frontlinedefenders.org/en/resource-publication/workbook-security-practical-steps-human-rights-defenders-risk.

Principle 19: Human rights defenders
Respect and support the activities of human rights defenders and others working to receive and provide assistance to migrants

The UN has adopted the *Guidelines against Intimidation or Reprisals* ("San José Guidelines") in response to intimidation and reprisals against those who provide information or contribute to the treaty bodies' work to promote and protect human rights. The Guidelines underline States' responsibility to avoid acts constituting such intimidation or reprisals and mobilise treaty bodies' means to assist and protect individuals and groups who have been targeted for seeking to cooperate or cooperating with them.[183] Specifically, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families has adopted the San José Guidelines and appointed one of its members as Rapporteur on reprisals.[184] One of the Assistant Secretaries General for Human Rights has also been mandated to lead UN work on ending intimidation and reprisals against human rights defenders.[185]

Several resources can support human rights defenders in improving their digital security, including: a) Tactical Tech offers digital security workshops and has an archive on digital security and human rights;[186] b) *Security in-a-Box* is a guide to digital security for activists and human rights defenders throughout the world. It was developed by Front Line Defenders and Tactical Technology Collective, with the support of a global network of activists, trainers and digital security experts;[187] c) Ononymous.org provides a collection of digital security training materials — videos, toolkits, guides — from contributors such as Tactical Tech, Front Line Defenders, EFF, Open Data City, The Tor Project, The Centre for Investigative Journalism and Access Now.[188]

Whistleblower protection has been recognised by all major international instruments concerning corruption.[189]

Resources: Transparency International have published *International Principles for Whistleblower Legislation* to ensure that policies provide accessible disclosure channels for whistleblowers, meaningfully protect whistleblowers from all forms of retaliation, and ensure that the information they disclose can be used to advance needed reforms.[190]

[183] International Human Rights Instruments, Twenty-seventh meeting of chairpersons of the human rights treaty bodies, *Guidelines against Intimidation or Reprisals ("San José Guidelines")*, HRI/MC/2015/6, 30 July 2015; see also International Service for Human Rights, UN human rights monitoring bodies adopt policy to combat reprisals, 1 July 2015, http://www.ishr.ch/news/un-human-rights-monitoring-bodies-adopt-policy-combat-reprisals.

[184] Committee on the Rights of Migrant Workers closes twenty-fourth session: Round up, 22 April 2016, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19866&LangID=E.

[185] International Justice Resource Center, UN mandate created to reduce reprisals against human rights defenders, 13 October 2016, http://www.ijrcenter.org/2016/10/13/un-mandate-created-to-reduce-reprisals-against-human-rights-defenders/.

[186] For the Digital Security in Human Rights project see: https://securesearch.tacticaltech.org, for trainings see: https://tacticaltech.org/projects/trainings.

[187] At https://securityinabox.org/en.

[188] At https://ononymous.org.

[189] Organisation for Economic Co-operation and Development, *Whistleblower protection: encouraging reporting*, OECD, July 2012, http://www.oecd.org/cleangovbiz/toolkit/50042935.pdf.

[190] Transparency International, *International Principles for Whistleblower Legislation*, 2013, https://www.transparency.org/whatwedo/publication/international_principles_for_whistleblower_legislation.

Principle 19: Data

Improve the collection of disaggregated data on the human rights situation of migrants, while ensuring the right to privacy and protection of personal data

In 2014, the Regional Mixed Migration Secretariat (RMMS) created the Mixed Migration Monitoring Mechanism Initiative (4Mi), as an attempt to address the need for better data. The 4Mi is an innovative, low-cost approach to collect and analyse data on mixed migration flows from the Horn of Africa. Through a network of thirty locally-recruited monitors in strategic migration hubs in Northern, Eastern, and Southern Africa, Southern and Eastern Europe, and the Middle East, the 4Mi project tracks Eritrean, Ethiopian, Djiboutian and Somali people on the move through interviews and questionnaires, generating data disaggregated by gender, country of origin, and their experience of human rights abuses.[251] The RMMS compiles monthly summaries of mixed migration movements, data and trends in the sub-region, as well descriptions of political events and policy changes affecting mixed migration. It publishes monthly narrative summaries, maps, and quarterly and annual trend analysis.[252]

UNHCR publishes data on the numbers of migrants travelling along different routes, including those dying or going missing en route.[253] IOM also maps this data.[254] IOM has published two reports in the *Fatal Journeys* series, on tracking, identification and the tracing of dead and missing migrants.[255]

The *Human Costs of Border Control* project published the *Deaths at the Borders Database for the Southern EU*, an open-source evidence base of individualised, but anonymised, information about the 3188 people who died between 1990 and 2013 at the borders, sourced from the death management systems of Spain, Gibraltar, Italy, Malta and Greece. It is the first database on border deaths in the EU based on official sources as opposed to the news media.[256]

In response to a longstanding demand to develop and deploy appropriate statistical indicators in furthering the cause of human rights, OHCHR developed a framework of human rights indicators that is now being applied by national governments, national human rights institutions and non-governmental organisations worldwide. Human rights indicators are essential in the implementation of human rights standards and commitments, to support policy formulation, impact assessment and transparency.[257]

OHCHR, the Global Knowledge Partnership on Migration and Development of the World Bank, UNICEF, ILO and the Migrant Forum in Asia have developed indicators for the human rights of migrants, focusing on the rights to health, education and decent work. The indicators were piloted in Mexico and Tunisia with local and national government officials, human rights and migration experts, statisticians and representatives of civil society organizations with expertise in data collection.[258]

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[251] The data from the pilot phase of project (to mid-2016) is available at http://4mi.regionalmms.org/4mi.html.

[252] At http://www.regionalmms.org/index.php/data-trends.

[253] For the Mediterranean data see, UNHCR, *Refugees/Migrants Emergency Response — Mediterranean*, http://data.unhcr.org/mediterranean/regional.php#_ga=1.100460825.604141103.1437637608.

[254] For the European data see, *IOM, Migration flows — Europe*, http://migration.iom.int/europe/.

[255] T. Brian and F. Laczko (eds.), *Fatal Journeys: Tracking Lives Lost during Migration*, IOM 2014, available at https://publications.iom.int/system/files/pdf/fataljourneys_countingtheuncounted.pdf; T. Brian and F. Laczko (eds.), *Fatal Journeys, Volume 2: The identification and tracing of dead and missing migrants*, IOM 2016, available at https://publications.iom.int/system/files/fataljourneys_vol2.pdf.

[256] The *Deaths at the Borders Database for the Southern EU* is available at http://www.borderdeaths.org. On the creation of the database, see: Tamara Last, Giorgia Mirto, Orçun Ulusoy, Ignacio Urquijo, Joke Harte, Nefeli Bami, Marta Pérez Pérez, Flor Macias Delgado, Amélie Tapella, Alexandra Michalaki, Eirini Michalitsi, Efi Latsoudi, Naya Tselepi, Marios Chatziprokopiou & Thomas Spijkerboer (2017): Deaths at the borders database: evidence of deceased migrants' bodies found along the southern external borders of the European Union, *Journal of Ethnic and Migration Studies*, DOI: 10.1080/1369183X.2016.1276825.

[257] Office of the High Commissioner for Human Rights (OHCHR), Human Rights Indicators: A Guide to Measurement and Implementation, OHCHR 2012, available at http://www.ohchr.org/EN/Issues/Indicators/Pages/documents.aspx.

Principle 19: Data
Improve the collection of disaggregated data on the human rights situation of migrants, while ensuring the right to privacy and protection of personal data

In 2015, the NGO Women for Refugee Women carried out a research on women asylum seekers' experiences of detention in the UK. The methodology adopted took into account the individual vulnerabilities of refugee women and was in line with the Social Research Association Ethical Guidelines. After the research aims and purposes were explained, all participants were asked to give consent. Participants were informed that their names and details would be kept confidential.[259]

KOK e.V., a German NGO network against trafficking in human beings, with La Strada International, the European NGO Network against Trafficking in Human Beings, implemented datACT, a joint project to develop data protection standards for anti-trafficking NGO service providers. The aim of the project was to promote the rights of trafficked persons to privacy and autonomy and to protect their personal data.[260]

The Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data is the first binding international instrument which protects the individual against abuses which may accompany the collection and processing of personal data and which seeks to regulate at the same time the transfrontier flow of personal data.[261]

Recognising that there was limited guidance on protecting personal data in the context of migration, the International Organization for Migration (IOM) produced a data protection manual comprised of three parts: IOM's data protection principles as informed by international standards; comprehensive guidelines on each principle, consideration boxes and practical examples. The manual includes templates and checklists to ensure that data protection is taken into account when collecting and processing personal data.[262]

Principle 20: Capacity and cooperation
Build capacity and promote cooperation amongst and between all relevant stakeholders to ensure a gender-responsive and human rights-based approach to migration governance and to understand and address the drivers of the movement of migrants

The Praesidium project, led by the Italian Ministry of Interior and carried out by States institutions, in partnership with IOM, UNHCR, the Italian Red Cross and Save the Children Italy, provides a multi-agency cooperation model for humanitarian reception and assistance. Since 2006, various activities have been coordinated among the different agencies according to their mandate and expertise. They include legal information and counselling, identification of individual cases, monitoring reception procedures, and monitoring migrants' health, paying particular attention to women, children and people with disabilities. The partners developed joint procedures to guarantee the constant presence of field officers in landing areas and in migrant reception centres. This allowed for better coordination and information exchange efforts between the different stakeholders.[263]

[258] See the various publications, http://www.knomad.org/thematic-working-group-single/6#publications.

[259] Women for Refugee Women, *I am Human: Refugee women's experiences of detention in the UK*, 2015, available at http://www.refugeewomen.co.uk/2016/wp-content/uploads/2016/02/WRW_IamHuman_report-for-web.pdf. On research ethics and methods see p. 31.

[260] datACT, *Data protection standards for NGO service providers*, KOK e.V. with La Strada International, available at http://www.datact-project.org/fileadmin/user_upload/pdf/datACT_standards.pdf.

[261] http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/108.

[262] *IOM data protection manual*, IOM 2010, https://publications.iom.int/books/iom-data-protection-manual.

[263] Save the Children, *Submission for the Office of the High Commissioner for Human Rights (OHCHR) report on migrants in transit (A/HRC/RES/29/2)*, November 2015.

Principle 20: Capacity and cooperation
Build capacity and promote cooperation amongst and between all relevant stakeholders to ensure a gender-responsive and human rights-based approach to migration governance and to understand and address the drivers of the movement of migrants

The Nansen Initiative consultative process worked to build consensus among States on key principles and elements to protect people displaced across borders in the context of disasters caused by natural hazards, including those linked to climate change. Efforts are now focused on the follow up and implementation of the recommendations of the Nansen Initiative *Protection Agenda*, endorsed by 109 governmental delegations during a Global Consultation in October 2015.[264] The *Protection Agenda* offers States a set of tools to prevent and prepare for displacement before a disaster strikes, as well as to respond to situations when people are forced to move, either within their own country or across an international border.[265]

In Mexico, the *3x1 Programme for Migrants* supports projects formulated by groups of Mexican migrants and aimed at the socio-economic development of their communities of origin. For each peso provided by migrants, the Mexican state contributes with 3 pesos, through the federal, state and municipal governments.[266]

The Agreement on Residency for Nationals of States Members of the Common Market of the South (MERCOSUR) was signed in 2002 and came into force in 2009. The Agreement guarantees that nationals from a country of MERCOSUR can acquire a temporary residence (and after two years, permanent residence) in any of the countries of the regional organization, and that such individuals are entitled to receive the same treatment as nationals, including in the labour market. Regularization programmes have been adopted in Argentina (2007-2010), Brazil (2009), Chile (2007) and Paraguay (2011). The programme in Paraguay allowed the regularization of about 5,000 individuals who had entered the country irregularly prior to October 2010. It has been reported that the "Patria Grande" regularization programme of Argentina that granted either temporary or permanent residence to 560,131 people has brought significant development benefits to the host country.[267]

The Canadian national migration system includes diversified pathways to migration for work at all skills levels, study, family unification, and humanitarian purposes. Legal channels include: a) permanent residents under three broad categories (economic, family and humanitarian); b) temporary residents, according to eligibility requirements for admission; c) pathways to citizenship offered to permanent residents. The Canadian system is based on an annual immigration levels plan that sets out the number of permanent residents to be admitted each year in the economic, family reunification and humanitarian categories. It is consulted with provinces, territories and key stakeholders and considers labour market needs, and the capacity of settlement and integration service providers.[268]

The Geneva Canton in Switzerland has launched a pilot regularization programme called "Papyrus" which aims to facilitate irregular migrant workers' access to Permit B.[269]

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[264] Nansen Initiative, *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change: Volume I*, December 2015, https://www.nanseninitiative.org.

[265] The Platform on Disaster Displacement: implementing the Protection Agenda, a toolbox for disaster displaced persons, http://disasterdisplacement.org/the-platform/our-response/.

[266] Mexico's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[267] General Assembly, Promotion and protection of human rights, including ways and means to promote the human rights of migrants: Report of the Secretary-General, A/68/292, 9 August 2013, paras. 52-53.

[268] Canada's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[269] https://www.lecourrier.ch/147027/regularisation_enfin.

Principle 20: Capacity and cooperation

Build capacity and promote cooperation amongst and between all relevant stakeholders to ensure a gender-responsive and human rights-based approach to migration governance and to understand and address the drivers of the movements of migrants

Article 61 of Argentina's 2004 National Migration Act demands that in all cases in which the irregular status is identified, the primarily response from the State is to grant a time period for migratory regularization and only in the case that the regularization is not possible after an integral analyses of the categories and the spirit of the law, the Authority could consider their possible expulsion from the territory. In this case, the decision would not become official until a judge reviews the administrative decision.[270] In addition, article 17 of the Law 25.871 establishes that "the State shall facilitate the adoption and implementation of measures aimed at regularising the migration status of foreigners." Decree No. 616 of 2010, that regulates the Law 25.871, establishes that "in order to regularise the migration status of foreigners, the National Migration Office may: "a) Issue provisions that simplify and streamline respective administrative processes; b) Sign agreements and receive cooperation from public or private entities; c) Develop and implement programs in those areas of the country that require special treatment; d) Sign agreements with foreign authorities within the Republic of Argentina in order to streamline and promote receipt of documentation from those countries; e) Establish criteria for exemption from payment of the migration tax in cases of poverty or when humanitarian reasons justify such action."[271]

Since 2008, Mexico has implemented 3 temporary programmes of regularization (2008, 2015, 2017), in order to overcome obstacles that irregular migrants face in accessing rights and public or private services and to prevent abuses from authorities and non-State actors.[272]

In November 2016, the Battersea Arts Centre in London hosted *London Stories: Made by Migrants*, a festival of storytelling where people shared their experiences of moving to the UK capital. 30 selected storytellers performed each night and covered a broad range of migration experiences to the UK, from those who emigrated in the 1940s to recent arrivals, showing how migration is driven by a range of factors.[273]

Greece will create Migrants/Refugees Integration Centres across the country. The Migrants/Refugees Integration Centres will function as parts of Community Centres which will be established in the Municipalities of the country. The aims of their operation are the development of local information points for the integration of migrants/refugees, and the planning/implementation of integration activities, tailored made to the needs of these groups.[274]

In Canada a whole-of-society approach to integration is undertaken, engaging national and sub-national governments, municipalities, educational and other public institutions, the private sector, community organizations, and individuals. Examples of inclusion are the Local Immigration Partnerships (LIPs), which are community-based partnerships that enhance collaboration, coordination and strategic planning at the community level in order to foster more welcoming and inclusive communities and improve settlement and integration outcomes.[275]

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[270] Provided during the consultation process by Centro de Estudios Legales y Sociales (CELS, Argentina) ; Centro de Derechos Humanos de la Universidad Diego Portales (Chile); Comisión Argentina para los Refugiados y Migrantes (CAREF, Argentina) ; Iniciativa Frontera Norte de México: Programa de Defensa e Incidencia Binacional — Acción Articulada Noreste (México) ; Fundación para la Justicia y el Estado Democrático de Derecho (FJEDD, México) ; and Programa Migración y Asilo del Centro de Justicia y Derechos Humanos de la Universidad Nacional de Lanús (Argentina).

[271] Information provided by Centro de Estudios Legales y Sociales (CELS, Argentina).

[272] Mexico's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[273] Hugh Montgomery, Meet the migrant storytellers helping to reframe the migration debate, *i News*, 4 November 2016, https://inews.co.uk/essentials/culture/meet-migrant-storytellers-helping-reframe-toxic-migration-debate/; Battersea Arts Centre, https://www.bac.org.uk/content/42287/whats_on/whats_on/shows/london_stories_made_by_migrants.

[274] Greece's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

Good Chance builds temporary 'theatres of hope' where the need for expression is great and where there is nowhere to fulfil this need. Supported by a couple of UK theatres and other allies, they spent seven months creating work with the residents of the Jungle camp in Calais and felt the difference that a space to be together, to express, can make. The daytime schedule could include writing workshops, music lessons, dance, acting and performance. They also regularly welcomed visiting companies and artists who deliver workshops over one to seven days in specific performance arts like circus and clowning, or work in smaller groups to develop a more intimate process and performance piece over a longer period. Every evening they hosted big communal events which bring all of the camp's many nationalities together. Events included poetry slams, stand up comedy, acoustic sets, theatre performances, rap battles, film nights and mass chill outs.[276]

In South Africa in 2013, Community Media for Development worked with 20 refugees, migrants, and South Africans to develop three mini-dramas and related discussion guides to help promote awareness, encourage dialogue, and urge migrants and refugees in South Africa to seek protection. The drama, "Change the Story: Migrants and Refugees speak against Gender-based violence" was played on radio in 2013. One episode explores the plight of a migrant woman who is physically and sexually assaulted by her husband and her difficulties seeking help from police.[277]

Canada regularly evaluates its immigration programs and uses the findings to make improvements. These evaluations are published online.[278]

[275] Canada's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).

[276] Information at http://goodchance.org.uk/about/.

[277] UNODC, IFRC, Combating violence against migrants, 2015, pp. 34-35. For more information, see: www.cmfd.org/what-we-do/radio-drama/change-the-story-refugees-and-migrantsspeak-against-gbv.

[278] Canada's submission to OHCHR's report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (Human Rights Council Resolution A/HRC/35/L.28).